



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



NEW YORK, 1871.

WHICH FURNISHED BY

THE NEW YORK PUBLIC LIBRARY

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AS PART OF THE COLLECTION OF THE NEW YORK PUBLIC LIBRARY

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS

AND THE ASTOR LENOX AND TILDEN FOUNDATIONS





L. Eng. A. 25. E. 5

CW . C . K .

**X** 585

D 262 c 5





THE  
COUNTY COURT RULES,  
1875 and 1876,

With Forms and Scales of Costs and Fees ;

TOGETHER WITH

THE COUNTY COURTS ACT, 1875,

AND

OTHER RECENT STATUTES AFFECTING THE JURISDICTION  
OF THE COUNTY COURTS.

FORMING

A Supplement

TO

DAVIS' COUNTY COURT PRACTICE & EVIDENCE.

LONDON:  
BUTTERWORTHS, 7, FLEET STREET,

*Law Publishers to the Queen's most excellent Majesty.*

HODGES, FOSTER & CO., GRAFTON STREET, DUBLIN.

CALCUTTA: THACKER, SPINK & CO. BOMBAY: THACKER, VINING & CO.

MELBOURNE: GEORGE ROBERTSON.

1876.

LONDON:  
PRINTED BY C. ROWORTH AND SONS,  
NEWTON STREET, HIGH HOLBORN.

## PREFACE.

---

ALTHOUGH the important alterations effected in the County Courts by the Judicature Act, 1873, including the fusion of Law and Equity, were incorporated in the edition of 1874 of the County Court Practice and Evidence, the consolidation of the County Court Orders and Rules, and the issue of New Scales of Fees and Costs, together with very important legislation, render it due to past and future purchasers of the Work to bring down the jurisdiction and procedure to the latest period.

The Table of Contents of this Supplement will indicate the extent and variety of the matter dealt with. The issue of the volume has been delayed by the necessity for including the County Court Rules of 1876.

Practitioners in the County Courts must not, however, give way to a panic and suppose that recent alterations made in these Courts bear any relation in magnitude to the changes just effected in the constitution and procedure of the Courts in Westminster Hall.

The Consolidated Rules and Forms of the County Court are for the most part repetitions of former rules and forms, and the procedure under the Equitable Jurisdiction Act is preserved much as it heretofore existed. The County Courts Act, the Friendly Societies Act, the Agricultural Holdings Act, and the Land Transfer Act, all of the Session of 1875, have far more direct effect on the County Courts than the Judicature Act of the same year.

Notwithstanding the objection that may be urged against a "Supplement," it affords an opportunity for comparing

and examining the precise distinction between the new law and that which is superseded. On the other hand, it is hoped that any disadvantages are in this instance reduced to the minimum amount by the arrangement adopted and the numerous References and full Index to the whole Work.

Temporary, a supplement to any work must be, and it is here only intended to supply an immediate want until time is afforded for the changes to settle down and work smoothly to allow of the preparation of a new edition.

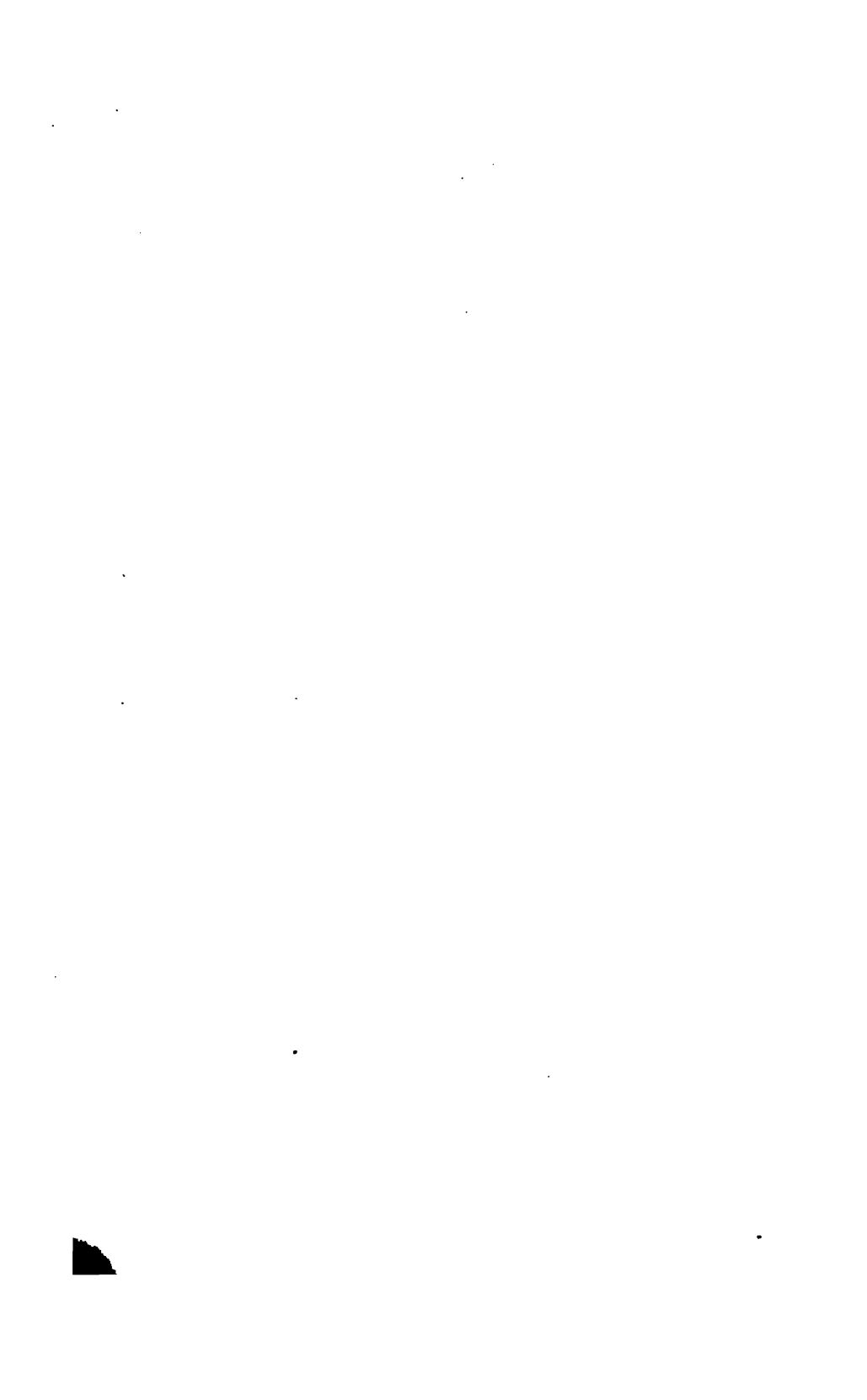
# CONTENTS.

	PAGE
THE COUNTY COURTS ACT, 1875 .. .. .	1
THE LEGISLATION OF 1874-5 AFFECTING COUNTY COURTS .. ..	13
The Building Societies Act, 1874 .. .. .	15
The Alkali Act, 1874 .. .. .	18
Married Women's Property Act (1870) Amendment Act, 1874 ..	18
The Infants Relief Act, 1874 .. .. .	20
The Attorneys and Solicitors Act, 1874 .. .. .	20
The Vendor and Purchaser Act, 1874 .. .. .	20
Births and Deaths Registration Act, 1874 .. .. .	21
Intestates' Widows and Children Act Extension .. .. .	21
The Public Health Act, 1875 .. .. .	22
The Friendly Societies Act, 1875 .. .. .	22
The Sale of Food and Drugs Act, 1875 .. .. .	33
The Supreme Court of Judicature Act, 1875 .. .. .	33
Parliamentary Elections (Returning Officers) Acts, 1875 .. ..	35
The Land Transfer Act, 1875 .. .. .	36
The Employers and Workmen Act, 1875 .. .. .	37
The Agricultural Holdings (England) Act, 1875 .. .. .	38
The Copyright of Designs Act, 1875 .. .. .	50
THE LOCAL LOANS ACT, 1875 .. .. .	201



	PAGE
THE COUNTY COURT RULES, 1875 .. .. .	51
Schedule of Forms .. .. .	150
ALLOWANCE TO WITNESSES .. .. .	268
SCALE OF COSTS AND CHARGES TO BE PAID TO SOLICITORS IN ACTIONS UNDER £20 .. .. .	269
SCALE OF COSTS AND CHARGES TO BE PAID TO COUNSEL AND SOLICITORS IN ACTIONS ABOVE £20 .. .. .	270
TREASURY ORDER REGULATING COURT FEES, 1875, AND SCHEDULES	275
THE COUNTY COURT RULES, 1876 .. .. .	287
Schedule of Forms .. .. .	293
Forms of Books .. .. .	311

**THE  
COUNTY COURTS ACT, 1875.**



# Supplement

TO

## DAVIS' COUNTY COURT PRACTICE AND EVIDENCE.

---

“THE COUNTY COURTS ACT, 1875.”  
(38 & 39 VICT. c. 50.)

---

### ARRANGEMENT OF CLAUSES.

#### CLAUSE.

1. In respect of certain demands plaintiff may require defendant to give notice of intention to defend, on pain of judgment by default.
  2. Summonses to witnesses.
  3. How service of summonses by a bailiff may be proved.
  4. Judge may do certain things within or without his circuit.
  5. As to appointment of assessors.
  6. Appeal may be made within eight days without stating special case.
  7. Remuneration of officers under this and other acts passed or to be passed.
  8. Scale of costs to be framed by the judges.
  9. Appointment of high bailiff as registrar to vacate high bailiffship.
  10. As to appeals to the Queen in council in admiralty causes.
  11. In what cases assessors shall be summoned.
  12. Enactments in Schedule (C.) repealed.
  13. This act and other county courts acts to be construed together.
  14. Commencement of act.  
Schedules.
- 

*An Act to amend the Acts relating to the County Courts.*  
[2nd August, 1875.]

WHEREAS it is desirable to amend the acts relating to the county courts:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In any action in a county court for a debt or liquidated money demand, the plaintiff may, at his option, cause to be issued a summons in the ordinary form, or
- In respect of certain demands plaintiff may require

defendant to  
give notice of  
intention to  
defend, on pain  
of judgment  
by default.

(upon filing an affidavit to the effect set forth in the form in Schedule (A.) to this act) a summons in the form or to the effect given in Schedule (B.) to this act, and if such last-mentioned summons be issued it shall be personally served on the defendant, and if the defendant shall not, within sixteen days after service of the summons, inclusive of the day of service, give notice in writing, signed by himself or his attorney, to the registrar of the court from which the summons issued, of his intention to defend, the plaintiff may, after sixteen days and within two months from the day of service, upon proof of its service, or of an order for leave to proceed as if personal service had been effected, have judgment entered up against the defendant for the amount of his claim and costs, such costs to be taxed by the registrar.

The order upon such judgment shall be for payment forthwith, or at such time or times, and by such instalments, if any, as the plaintiff, or his attorney, shall in writing have consented to take at the time of the entry of the plaint or of the judgment.

Where the defendant shall have given notice of defence, the registrar shall, immediately upon the receipt of such notice, send a letter to the plaintiff or his attorney by post, stating therein that the defendant has given notice of his intention to defend, and shall send by post, to both plaintiff and defendant, notice of the day upon which he shall have fixed that the trial shall take place, at least six clear days before the day so fixed.

Where the defendant shall neglect to give such notice of defence, the judge or registrar shall, upon an affidavit disclosing a defence upon the merits, and satisfactorily explaining his neglect, let in the defendant to defend, upon such terms as he may think just.

Where personal service cannot be effected, and the judge or registrar is satisfied by affidavit that reasonable efforts have been made to effect such service, and either that the summons has come to the knowledge of the defendant, or that he wilfully evades service of the same, it shall be law-

ful for the judge or registrar to order that the plaintiff be at liberty to proceed as if personal service had been effected, subject to such conditions as to the judge or registrar may seem fit.

Provided always, that no other summons than a summons in the ordinary form shall, without leave of the judge or registrar, be issued where the amount claimed shall not exceed five pounds, unless the action is for the price, value, or hire of goods which, or some part of which, were sold and delivered or let on hire to the defendant to be used or dealt with in the way of his trade, profession, or calling, and the leave of the judge or registrar shall be given in accordance with regulations to be prescribed by rules of court.

[The above section is substituted for the now repealed sects. 28 and 29 of "The County Courts Act, 1856," 19 & 20 Vict. c. 108, and sect. 2 of "The County Courts Act, 1867," 30 & 31 Vict. c. 142. See Vol. I. pp. 181, 182, and the Consolidated Orders and Rules, Order IV. rr. 5, 6, 7 and 8, and Order VIII. rr. 27—33, *post*.]

2. Either of the parties to an action or any other proceeding may obtain of the registrar of the court summonses to witnesses, with or without a clause requiring the production of books, deeds, papers, and writings in the possession or control of the person summoned as a witness; and such summonses, and any summonses which are now or may be required to be served personally, may, under such regulations as may be prescribed by rules of court, be served by a bailiff of the court or otherwise.

[This section is substituted for the now repealed sect. 85 of "The County Courts Act, 1846," 9 & 10 Vict. c. 95. See Vol. I. p. 225, and the Consolidated Orders and Rules, Order XIV. rr. 1, 2, *post*.]

3. Where any summons or other process of the court is served by a bailiff of any county court, the service may be proved by endorsement on a copy of the summons or process under the hand of such bailiff, showing the fact and mode of the service of such summons or process; and any such bailiff wilfully and corruptly endorsing any false state-

Summonses to witnesses.

How service of summonses by a bailiff may be proved.

ment on the copy of a summons or other process shall be guilty of a misdemeanor, and on conviction thereof shall be removed from his office or employment, and shall incur the same penalties as are or may be incurred by persons convicted of wilful and corrupt perjury.

[This is a new provision, requiring the greatest care on the part of judges and registrars to prevent abuses and irregularities in the proof of service. Order VIII. r. 22, *post*, ought to be strictly observed where applicable. So much of sect. 62 of "The County Courts Act, 1846," 9 & 10 Vict. c. 95, as required the service of a summons or other process to be proved by affidavit is repealed.]

Judge may do certain things within or without his circuit.

4. A judge of county courts shall, whether within the district of any of his courts or not, have jurisdiction to make any order, or exercise, on an *ex parte* application, any authority or jurisdiction in any action or proceeding pending in any of the courts of which he is judge, which, if the same related to an action or proceeding pending in one of her Majesty's superior courts, might be given, made, or exercised by a judge of such last-mentioned courts in chambers, and, with the consent of both parties to an action or proceeding, to hear and decide any matter at any place either within or without any such district.

[This section is also new, and will probably give rise to a variety of questions. As to interlocutory and interim orders, in respect of which it may be assumed the power here given will be chiefly exercised, see the Consolidated Orders and Rules, Order XI. *post*.]

As to appointment of assessors.

5. In any action or proceeding it shall be lawful for the judge, if he think fit, on the application of either party, to summon to his assistance, in such manner as may be prescribed by rules of court, one or more persons of skill and experience in the matter to which the action or proceeding relates, who may be willing to sit with the judge and act as assessors; and their remuneration for so sitting shall be at such rate as may be prescribed by rules of court, and shall be costs in the cause or proceeding, unless otherwise ordered by the judge; but where any person is proposed to be summoned as an assessor, objection to him, either personally or in respect of his qualification, may be taken

by either party in manner to be prescribed by rules of court.

[This is a new provision. See the Consolidated Orders, Order XXXII. *post.* As to assessors on trials in the High Court of Justice, see "The Supreme Court of Judicature Act, 1875" (38 & 39 Vict. c. 77), Schedule, Order XXXVI. r. 2; and as to nautical assessors in admiralty causes, see Vol. II. p. 174, and *infra*, s. 11.]

6. In any cause, suit, or proceeding, other than a proceeding in bankruptcy, tried or heard in any county court, and in which any person aggrieved has a right of appeal, it shall be lawful for any person aggrieved by the ruling, order, direction, or decision of the judge, at any time within eight days after the same shall have been made or given, to appeal against such ruling, order, direction, or decision by motion to the court to which such appeal lies, instead of by special case, such motion to be *ex parte* in the first instance, and to be granted on such terms as to costs, security, or stay of proceedings as to the court to which such motion shall be made shall seem fit. And if the court to which such appeal lies be not then sitting, such motion may be made before any judge of a superior court sitting in chambers. And at the trial or hearing of any such cause, suit, or proceeding, the judge, at the request of either party, shall make a note of any question of law raised at such trial or hearing, and of the facts in evidence in relation thereto, and of his decision thereon, and of his decision of the cause, suit, or proceeding, and he shall, at the expense of any person or persons, being party or parties in any such cause, suit, or proceeding, requiring the same for the purpose of appeal, furnish a copy of such note, or allow a copy to be taken of the same by or on behalf of such person or persons, and he shall sign such copy, and the copy so signed shall be used and received on such motion and at the hearing of such appeal.

Appeal may be made within eight days without stating special case.

[This section does not supersede the appeal by special case. See the provisions of "The Supreme Court of Judicature Act, 1873," as to appeals from county courts, Vol. I. p. 306 (n). As to the cases in which a right of



appeal exists in county court actions and suits, see Vol. I. p. 301 *et seq.*, and Vol. II., p. 113. As to appeals in bankruptcy, it is to be observed that the jurisdiction of the London Court of Bankruptcy is not transferred to the High Court of Justice; see "The Supreme Court of Judicature Act, 1875," 38 & 39 Vict. c. 77, s. 9. See the Consolidated Orders, Order XXIX. *post*, as to appeals by special case and by motion.]

Remuneration  
of officers  
under this and  
other acts  
passed or to be  
passed.

7. The Treasury shall direct whether any and what remuneration shall be allowed to any person performing any duties under this act, or under any act passed heretofore or to be passed, where by such act no remuneration is or shall be given for the performance of duties by officers of the courts; and such remuneration shall be paid out of the fees which the Treasury, with the consent of the Lord Chancellor, is empowered by sect. 79 of "The County Courts Act, 1856," to order to be taken on proceedings which were then authorized or might thereafter be authorized to be taken in the county courts.

This section shall not apply to the City of London Court.

Scale of costs  
to be framed  
by the judges.

8. The judges of county courts appointed or to be appointed by the Lord Chancellor from time to time to frame rules and orders for regulating the practice of the courts and forms of proceeding therein under the 32nd section of "The County Courts Act, 1856," shall be empowered to frame a scale of costs and charges to be paid to counsel and attorneys with respect to all proceedings which are now, or shall hereafter be, authorized to be taken in such courts, and from time to time to amend such scale; and such scale or amended scale, certified under the hands of such judges, or any three or more of them, shall be submitted to the Lord Chancellor, who from time to time may allow or disallow or alter the same, and the scale or amended scale, so allowed or altered, shall, from a day to be named by the Lord Chancellor, be in force in every county court.

[See the scale framed under this section, *post*.]

9. The appointment of a high bailiff of a county court as registrar of a county court shall vacate the office of high bailiff held by such appointee.

Appointment of high bailiff as registrar to vacate high bailiffship.

[As to the abolition of the office of high bailiff, see Vol. I. pp. 102, 103, 113.]

10. There shall be no appeal from a decree or order of the High Court of Admiralty of England made on appeal from the county court when such decree or order affirms the judgment of the county court, except by express permission of the judge of the High Court of Admiralty. When upon an appeal the High Court of Admiralty alters the judgment of the county court no leave to appeal to her Majesty in council shall be necessary.

As to appeals to the Queen in council in admiralty causes.

[This section is substituted for the now repealed sect. 29 of "The County Courts Admiralty Jurisdiction Act, 1868." See as to appeal in admiralty cases, Vol. II. p. 182.]

11. Where an admiralty cause has been heard in the county court with the assistance of nautical assessors, elder brethren of the Trinity House shall be summoned to assist on the hearing of an appeal by the High Court of Admiralty if either party shall require the same, and the judge of the high court shall be of opinion that the assistance of the elder brethren is necessary or desirable.

In what cases assessors shall be summoned.

[As to nautical assessors in admiralty causes in the county court, see Vol. II. p. 174.]

12. The several enactments specified in Schedule (C.) to this act are hereby repealed to the extent mentioned in the third column of the said schedule; but this repeal shall not affect the course of any proceeding taken before such repeal.

Enactments in Schedule (C.) repealed.

13. This act and "The County Courts Act, 1846," and the several acts altering or amending the same, shall be construed together as one act, and this act may be cited as "The County Courts Act, 1875."

This act and other county courts acts to be construed together.

14. This act shall come into operation on the second day of November next after the passing hereof.

Commencement of act.

## SCHEDULE (A.)

*Affidavit.*

I, A. B., of, &c., make oath and say, that C. D., of [address, occupation, and description] is indebted to me in the sum of                      for [add, where the action is brought for a demand not exceeding five pounds, and I further say that the                      were sold and delivered [or let on hire] to the said C. D. to be used or dealt with in the way of his trade [or profession or calling] of a                      ].

A. B.

Sworn at, &amp;c.

NOTE.—[When affidavit is made by a clerk alter the form accordingly, and add the following: That I am a person in the employ of A. B., and that I am duly authorized by him to make this affidavit, and that it is within my own knowledge that the aforesaid debt was incurred, and for the consideration above stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.]

## SCHEDULE (B.)

*Summons to obtain Judgment by Default on Personal Service.*

No. [of plaint].

In the [title of court issuing summons].

[Seal.] Between A. B. [address and description], Plaintiff,  
and

C. D. [address and description], Defendant.

TAKE NOTICE, That, unless within sixteen days after the personal service of this summons on you, inclusive of the day of such service, you return to the registrar of this court at [place of office] the notice given below, dated and signed by yourself or your attorney, you will not afterwards be allowed to make any defence to the claim which the plaintiff makes on you, as per margin, the particulars of which are hereunto annexed; but the plaintiff may, without giving any further proof in support of such claim than the affidavit filed in court herein, proceed to judgment and execution. If you return such notice to the registrar within the time specified, the registrar will send you by post notice of the day upon which the action will be tried.

	£.	s.	d.
Claim . . . . .	...	...	...
Fee for plaint . . . . .	...	...	...
Attorney's costs (where payable) . . . . .	...	...	...
Total amount of debt and costs }	...	...	...

Dated this                      day of                      18 .

\_\_\_\_ Registrar of the Court.

To the defendant.

See below.

*Notice of intention to defend or to object to the jurisdiction of the Court.*No. [of *plaint*].

In the [title of court].

A. B. v. C. D.

I intend to defend this cause [or to object to the jurisdiction of the court].

Dated this            day of            18 .

\* Defendant.

*[To be endorsed on the Summons.]*

If you pay the debt and costs, as per margin on the other side, into the registrar's office, within sixteen days after the service of this summons, and without returning the notice of intention to defend, you will avoid further costs.

If you do not return the notice of intention to defend, but allow judgment against you by default, you will *save half the hearing fee*, and the order upon such judgment will be to pay the debt and costs forthwith [or by instalments, to be specified as in plaintiff's written consent].

If you admit a part only of the claim, you must return the notice of intention to defend within the time specified on the summons; and you may, by paying into the registrar's office at the same time the amount so admitted, together with costs proportionate to the amount you pay in, avoid further costs, unless the plaintiff at the trial shall prove a claim against you exceeding the sum so paid.

If you intend to dispute the plaintiff's claim on any of the following grounds,—

1. That the plaintiff owes you a debt which you claim should be set off against it;
2. That you were under twenty-one when the debt claimed was contracted;
3. That you were then, or are now, a married woman;
4. That the debt claimed is more than six years old;
5. That you have been discharged from the plaintiff's claim under a bankrupt or insolvent act;

you must, in addition to the notice of intention to defend, give to the registrar notice of such special defence; and such last-mentioned notice must contain the particulars required by the rules of the court; and you must deliver to the registrar as many copies of such notice as there are plaintiffs, and an additional copy for the use of the court. If your defence be a set-off, you must, with the notice thereof, also deliver to the registrar a statement of the

\* Here must be signed the name of defendant or of his attorney, and in the last case the words "attorney for" must be added.

particulars thereof. If your defence be a tender, you must pay into court, before or at the trial, the amount tendered.

If you give such notice of intention to defend within the time specified, you may, *if the debt exceeds five pounds*, have the case tried by a jury, on giving notice in writing at the registrar's office three clear days before the trial, and on payment of five shillings for the use of such jury.

### SCHEDULE (C).

Reference to Act.	Title of Act.	Extent of Repeal.
9 & 10 Vict. c. 95 ..	An Act for the more easy recovery of small debts and demands in England.	So much of section sixty-two (a), as requires the service of a summons or other process to be proved by affidavit, and the whole of sections eighty-five (b) and one hundred and three (c).
19 & 20 Vict. c. 106 ..	An Act to amend the Acts relating to County Courts.	The whole of these sections numbered respectively twenty-eight (d) and twenty-nine (e).
29 & 30 Vict. c. 4 (f)	An Act for the abolition of the offices of Treasurer and of High Bailiff of County Courts as vacancies shall occur, and to provide for the payment of future Registrars of County Courts.	The whole of sections six and seven (g).
30 & 31 Vict. c. 142 ..	An Act to amend the Acts relating to the jurisdiction of the County Courts.	The whole of sections two (h) and thirty-two (i).
31 & 32 Vict. c. 71 ..	An Act for conferring Admiralty jurisdiction on the County Courts.	The whole of section twenty-nine (k).

(a) See Vol. I. p. 173.

(b) *Id.* p. 225.

(c) *Id.* p. 355, n.

(d) *Id.* p. 181.

(e) *Id.* p. 182.

(f) A misprint for c. 14.

(g) See Vol. I. p. 25.

(h) *Id.* p. 185.

(i) *Id.* p. 48, n.

(k) See Vol. II. p. 182.

THE  
LEGISLATION OF 1874-5  
AFFECTING COUNTY COURTS.



## THE BUILDING SOCIETIES ACT, 1874.

(37 &amp; 38 VICT. C. 42.)

THIS act, consolidating and amending the law relating to building societies (a), empowers any number of persons to establish a society (and obtain from the registrar of friendly societies a certificate of incorporation of such society), either terminating or permanent, for the purpose of raising by the subscription of the members a stock or fund for making advances to members out of the funds of the society, upon security of freehold, copyhold or leasehold estate by way of mortgage.

The act confers considerable powers on county courts in reference to these societies, using the general term "the court," which, so far as regards England, is defined by sect. 4 to mean "the county court of the district in which the chief office or place of meeting for the business of the society is situate."

The powers of the county courts are contained in the following sections :—

Sect. 16. "The rules of every society hereafter established under this act shall set forth,—

Matters to be set forth in the rules.

1. The name of the society, and chief office or place of meeting for the business of the society :
2. The manner in which the stock or funds of the society are to be raised, the terms upon which paid-up shares (if any) are to be issued and repaid, and whether preferential shares are to be issued, and, if so, within what limits, if any ; and whether the society intends to avail itself of the borrowing powers contained in this act, and, if so, within what limits, not exceeding the limits prescribed by this act :
3. The purposes to which the funds of the society are to be applied, and the manner in which they are to be invested :
4. The terms upon which shares may be withdrawn, and upon which mortgages may be redeemed :
5. The manner of altering and rescinding the rules of the society, and of making additional rules :
6. The manner of appointing, remunerating, and removing the board of directors or committee of management, auditors, and other officers :
7. The manner of calling general and special meetings of the members :
8. Provision for an annual or more frequent audit of the accounts, and inspection by the auditors of the mortgages and other securities belonging to the society :
9. Whether disputes between the society and any of its members, or

(a) This act was amended, but not by the Building Societies Act, 1875 on any matter requiring notice here, (38 & 39 Vict. c. 9).



any person claiming by or through any member, or under the rules, shall be settled by reference to *the court*, or to the registrar (*b*), or to arbitration :

10. Provision for the device, custody, and use of the seal of the society, which shall in all cases bear the registered name thereof :
11. Provision for the custody of the mortgage deeds and other securities belonging to the society :
12. The powers and duties of the board of directors or committee of management and other officers :
13. The fines and forfeitures to be imposed on members of the society :
14. The manner in which the society, whether terminating or permanent, shall be terminated or dissolved."

Evidence of registration.

Sect. 20. "Any certificate of incorporation or of registration, or other document relating to a society under this act, purporting to be signed by the registrar, shall, in the absence of any evidence to the contrary, be received by *the court*, and by all courts of law and equity and elsewhere, without proof of the signature ; and a printed copy of the rules of a society, certified by the secretary or other officer of the society to be a true copy of its registered rules, shall, in the absence of any evidence to the contrary, be received as evidence of the rules."

Rules to be binding on members and others.

Sect. 21. "The rules of a society under this act shall be binding on the several members and officers of the society, and on all persons claiming on account of a member, or under the rules, all of whom shall be deemed and taken to have full notice thereof."

Officers to account.

Sect. 24. "Every such officer, his executors or administrators, shall, upon demand made, or notice in writing, given or left at his last or usual place of residence, give in his account as may be required by the board of directors or committee of management of the society, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all the moneys remaining in his hands, and deliver all securities and effects, books, papers, and property of the society in his hands or custody, to such person as the society appoint ; and in case of any neglect or refusal to deliver such account, or to pay over such moneys, or to deliver such securities and effects, books, papers, and property, in manner aforesaid, the society may sue upon the bond, or may apply to *the court*, who may proceed thereupon in a summary way, and make such order thereon as to the court in its discretion shall seem just, which order shall be final and conclusive."

Proceedings necessary for the termination or dissolution of a society.

Sect. 32. "A society under this act may terminate or be dissolved—

1. Upon the happening of any event declared by its rules to be the termination of the society.
2. By dissolution in manner prescribed by its rules.
3. By dissolution with the consent of three-fourths of the members, holding not less than two-thirds of the number of shares in the society, testified by their signatures to the instrument of dissolution. The instrument of dissolution shall set forth—
  - (a.) The liabilities and assets of the society in detail ;
  - (b.) The number of members, and the amount standing to their credit in the books of the society ;

(b) To prevent misconception it may be well to state that the registrar mentioned in this act is the registrar of friendly societies, and not the registrar of a county court.

- (c.) The claims of depositors and other creditors, and the provision to be made for their payment;
- (d.) The intended appropriation or division of the funds and property of the society;
- (e.) The names of one or more persons to be appointed trustees for the special purpose, and their remuneration.

Alterations in the instrument of dissolution may be made with the like consent, testified in the same manner. The instrument of dissolution and all alterations therein shall be registered in the manner provided for the registration of rules, and shall be binding upon all the members of the society.

4. By winding-up, either voluntarily under the supervision of *the court* or *by the court*, if the court shall so order, on the petition of any member authorized by three-fourths of the members present at a general meeting of the society specially called for the purpose to present the same on behalf of the society, or on the petition of any judgment creditor for not less than fifty pounds, but not otherwise. General orders for regulating the proceedings of the court under this section may be from time to time made by the authority for the time being empowered to make general orders for the court (c).

Notice of the commencement and termination of every dissolution or winding-up shall be sent to the registrar, and registered by him."

Sect. 34. "Where the rules of a society under this act direct disputes to be referred to arbitration, arbitrators shall be named and elected in the manner such rules provide, or, if there be no such provision, at the first general meeting of the society, none of the said arbitrators being beneficially interested, directly or indirectly, in its funds; of whom a certain number, not less than three, shall be chosen by ballot in each such case of dispute, the number of the said arbitrators and mode of ballot being determined by the rules of the society; the names of such arbitrators shall be duly entered in the minute book of the society, and, in case of the death or refusal or neglect of any of the said arbitrators to act, the society, at a general meeting, shall name and elect an arbitrator to act in the place of the arbitrator dying, or refusing or neglecting to act; and whatever award shall be made by the arbitrators or the major part of them, according to the true purport and meaning of the rules of the society, shall determine the dispute; and should either of the parties to the dispute refuse or neglect to comply with or conform to such award within a time to be limited therein, *the court*, upon good and sufficient proof being adduced of such award having been made, and of the refusal of the party to comply therewith, shall enforce compliance with the same upon the petition of any person concerned. Where the parties to any dispute arising in a society under this act agree to refer the dispute to the registrar, or where the rules of the society direct disputes to be referred to the registrar, the award of the registrar shall have the same effect as that of arbitrators."

Determina-  
tion of dis-  
putes by arbi-  
tration.

Sect. 35. "*The court* may hear and determine a dispute in the following cases:—

Determina-  
tion of dis-  
putes by  
court.

1. If it shall appear to the court, upon the petition of any person concerned, that application has been made by either party to

(c) See Consolidated Orders and Rules, Order XXXIX., *post*.

the dispute to the other party, for the purpose of having the dispute settled by arbitration under the rules of the society, and that such application has not within forty days been complied with, or that the arbitrators have refused or for a period of twenty-one days have neglected to make any award.

2. Where the rules of the society direct disputes to be referred to the court or to justices."

Determina-  
tion to be  
final.

Sect. 36. "Every determination by arbitrators or *by the court* or by the registrar under this act of a dispute shall be binding and conclusive on all parties, and shall be final to all intents and purposes, and shall not be subject to appeal, and shall not be removed or removable into any court of law, or restrained or restrainable by the injunction of any court of equity; provided always, that the arbitrators, or the registrar, or the court, as the case may be, may, at the request of either party, state a case for the opinion of the Supreme Court of Judicature on any question of law, and shall have power to grant to either party to the dispute such discovery, as to documents and otherwise, as might now be granted by any court of law or equity, such discovery to be made on behalf of the society by such officer of the society as the arbitrators, registrar, or court may determine."

---

### THE ALKALI ACT, 1874.

(37 & 38 VICT. c. 43.)

This Act amends "The Alkali Act, 1863," noticed Vol. I. p. 54.

---

### MARRIED WOMEN'S PROPERTY ACT (1870) AMENDMENT ACT, 1874.

(37 & 38 VICT. c. 50.)

*An Act to amend the Married Women's Property Act (1870).*  
[30th July, 1874.]

The act recites that—"It is not just that the property which a woman has at the time of her marriage should pass to her husband, and that he should not be liable for her debts contracted before marriage, and the law as to the recovery of such debts requires amendment;" and enacts:—

Husband and  
wife may be  
jointly sued  
for her debts  
before mar-  
riage.

Sect. 1. "So much of 'The Married Women's Property Act, 1870,' as enacts that a husband shall not be liable for the debts of his wife contracted before marriage (*d*) is repealed so far as respects marriages which shall take place after the passing of this act, and a husband and

(*d*) See this provision of the act referred to, Vol. I. p. 630; see also pp. 525, 526.

wife married after the passing of this act may be jointly sued for any such debt."

Sect. 2. "The husband shall, in such action and in any action brought for damages sustained by reason of any tort committed by the wife before marriage or by reason of the breach of any contract made by the wife before marriage, be liable for the debt or damages respectively to the extent only of the assets hereinafter specified; and in addition to any other plea or pleas may plead that he is not liable to pay the debt or damages in respect of any such assets as hereinafter specified; or, confessing his liability to some amount, that he is not liable beyond what he so confesses; and if no such plea is pleaded the husband shall be deemed to have confessed his liability so far as assets are concerned."

Extent to which husband liable.

Sect. 3. "If it is not found in such action that the husband is liable in respect of any such assets, he shall have judgment for his costs of defence, whatever the result of the action may be against the wife."

If husband without assets he shall have judgment for costs.

Sect. 4. "When a husband and wife are sued jointly, if by confession or otherwise it appears that the husband is liable for the debt or damages recovered, or any part thereof, the judgment to the extent of the amount for which the husband is liable shall be a joint judgment against the husband and wife, and as to the residue, if any, of such debt or damages, the judgment shall be a separate judgment against the wife."

Joint and separate judgment against husband and wife for debt.

Sect. 5. "The assets in respect of and to the extent of which the husband shall in any such action be liable are as follows:

Assets for which husband liable.

- (1.) The value of the personal estate in possession of the wife, which shall have vested in the husband:
- (2.) The value of the choses in action of the wife which the husband shall have reduced into possession, or which with reasonable diligence he might have reduced into possession:
- (3.) The value of the chattels real of the wife which shall have vested in the husband and wife:
- (4.) The value of the rents and profits of the real estate of the wife which the husband shall have received, or with reasonable diligence might have received:
- (5.) The value of the husband's estate or interest in any property, real or personal, which the wife in contemplation of her marriage with him shall have transferred to him or to any other person:
- (6.) The value of any property, real or personal, which the wife in contemplation of her marriage with the husband shall with his consent have transferred to any person with the view of defeating or delaying her existing creditors:

Provided that when the husband after marriage pays any debt of his wife, or has a judgment *bond fide* recovered against him in any such action as is in this act mentioned, then to the extent of such payment or judgment the husband shall not in any subsequent action be liable."

Sect. 6. "This act shall not extend to Scotland."

Extent of act. Short title.

Sect. 7. "This act may be cited as 'The Married Women's Property Act (1870) Amendment Act, 1874.'"

## THE INFANTS RELIEF ACT, 1874.

(37 &amp; 38 VICT. c. 62.)

The act to amend the law as to the contracts of infants recites that "it is expedient to amend the law as to the contracts of infants, and as to the ratification made by persons of full age of contracts made by them during infancy, and as to necessities" (e), and enacts,—

Contracts by infants, except for necessities, to be void.

Sect. 1. "All contracts, whether by specialty or by simple contract, henceforth entered into by infants for the repayment of money lent or to be lent, or for goods supplied or to be supplied (other than contracts for necessities), and all accounts stated with infants, shall be absolutely void: provided always, that this enactment shall not invalidate any contract into which an infant may, by any existing or future statute, or by the rules of common law or equity, enter, except such as now by law are voidable."

No action to be brought on ratification of infant's contract.

Sect. 2. "No action shall be brought whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification made after full age of any promise or contract made during infancy, whether there shall or shall not be any new consideration for such promise or ratification after full age."

Short title.

Sect. 3. "This act may be cited as 'The Infants Relief Act, 1874.'"

## THE ATTORNEYS AND SOLICITORS ACT, 1874.

(37 &amp; 38 VICT. c. 68.)

Sect. 12 of this act imposes a penalty on any person "who wilfully and falsely pretends to be or takes or uses any name, title, addition, or description implying that he is duly qualified to act as an attorney or solicitor, or that he is recognized by law as so qualified;" and further enacts that "no costs, fee, reward or disbursement on account of or in relation to any act or proceeding done or taken by any person who acts as an attorney or solicitor, without being duly qualified so to act, shall be recoverable in any action, suit or matter by any person or persons whomsoever."

## THE VENDOR AND PURCHASER ACT, 1874.

(37 &amp; 38 VICT. c. 78.)

The provisions of this act must be borne in mind in proceedings to enforce claims for compensation or otherwise in relation to contracts of sale of lands. As the act does not relate specially to county courts the provisions are not given here (f).

(e) As to the contracts of infants, see Vol. I. pp. 519, 678, 753, 772.

(f) Sections 5 and 7 of this act are

repealed by "The Land Transfer Act, 1875" (38 & 39 Vict. c. 87), noticed *post*, p. 36.

## BIRTHS AND DEATHS REGISTRATION ACT, 1874.

(37 &amp; 38 VICT. C. 88.)

This act, which amends the law relating to the registration of births and deaths in England, and consolidates the law respecting the registration of births and deaths at sea, contains the following provision as to the evidence of registers (as to which, in general, see Vol. I. pp. 487 (*n*), 526, 527):—

Sect. 38. "An entry or certified copy of an entry of a birth or death in a register, under the Births and Deaths Registration Acts, 1836 to 1874, or in a certified copy of such a register, shall not be evidence of such birth or death, unless such entry either purports to be signed by some person professing to be the informant and to be such a person as is required by law at the date of such entry to give to the registrar information concerning such birth or death, or purports to be made upon a certificate from a coroner, or in pursuance of the provisions of this act with respect to the registration of births and deaths at sea" (*g*).

INTESTATES' WIDOWS AND CHILDREN ACT  
EXTENSION.

(38 &amp; 39 VICT. C. 27.)

This act, reciting that "it is desirable that the provisions of the act of thirty-six and thirty-seven Victoria, chapter fifty-two, intituled 'An Act for the relief of Widows and Children of Intestates where the personal estate is of small value,' should be made applicable to the surviving children of a poor widow who dies intestate," enacts that:—

Sect. 1. "Where the whole estate and effects of an intestate widow shall not exceed in value the sum of one hundred pounds, any one or more of her children, if they shall reside at a distance exceeding three miles from the registry of the Court of Probate having jurisdiction in the matter, may apply to the registrar of the county court within the district in which the intestate had her fixed place of abode at the time of her death, and on compliance with the regulations prescribed in the said act of thirty-six and thirty-seven Victoria shall be entitled to the benefits in that case made and provided by the said act, and the schedule thereunto annexed."

Extension of  
act of 36 & 37  
Vict. c. 52, to  
children of  
poor intestate  
widows.

Sect. 2. "This act shall be read and construed along with and as part of the recited act."

Construction  
of the act.

See the recited act, 36 & 37 Vict. c. 52, *ante*, Vol. I. p. 46.

(*g*) See the rest of the section as to evidence of birth of children.

SUPPLEMENT TO DAVIS' COUNTY COURTS.

THE PUBLIC HEALTH ACT, 1875.

(38 & 39 VICT. C. 55.)

This act enacts that—

Sect. 261. "Proceedings for the recovery of demands below fifty pounds, which local authorities are empowered to recover in a summary manner, may, at the option of the local authority, be taken in the county court as if such demands were debts within the cognizance of such courts."

As to legal proceedings generally, see Part VII. of the act, comprising sects. 251—269.

THE FRIENDLY SOCIETIES ACT, 1875.

(38 & 39 VICT. C. 60.)

This act, consolidating and amending the law relating to friendly and other societies, and having operation from the 1st January, 1876, repeals from that date, among other provisions, the 18 & 19 Vict. c. 63, the foundation of the county court jurisdiction as heretofore existing, described Vol. II. p. 130 (h).

The new act provides a central registry office, constituted of a chief registrar and one or more assistant registrars of friendly societies, for England.

"The central office shall exercise all the functions and powers which are now by law vested in the registrar of friendly societies or the registrar of building societies for England, or as respects loan societies, building societies, and societies instituted for purposes of science, literature, or the fine arts, in the barrister appointed to certify the rules of saving banks or friendly societies, and shall be entitled to receive all statutory fees payable to such registrar or barrister, and all enactments relating to such registrar or barrister, so far as respects such societies as aforesaid, shall be construed as applying to the central office." (Sect. 10, sub-sect. (4)).

Sect. 8. "The following societies may be registered under this act ; viz. :

(1.) Societies (herein called friendly societies) established to provide by voluntary subscriptions of the members thereof, with or without the aid of donations—

For the relief or maintenance of the members, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews or nieces, or wards being orphans, during sickness or other infirmity, whether

(h) The repeal includes the whole of the following acts:—18 & 19 Vict. c. 63—An Act to consolidate and amend the Law relating to Friendly Societies; 21 & 22 Vict. c. 101—To amend the 18 & 19 Vict. c. 63, relating to Friendly Societies; 23 Vict. c. 13—To prevent the Members of Benefit Societies from forfeiting their

Interest therein by being enrolled in Yeomanry or Volunteer Corps; 23 & 24 Vict. c. 58—An Act to amend the 18 & 19 Vict. c. 63; 29 Vict. c. 34—To give further Facilities for the Establishment of Societies for the Assurance of Cattle and other Animals.

bodily or mental, in old age (which shall mean any age after fifty) or in widowhood, or for the relief or maintenance of the orphan children of members during their minority ;

For insuring money to be paid on the birth of a member's child, or on the death of a member, or for the funeral expenses of the husband, wife, or child of a member, or of the widow of a deceased member, or, as respects persons of the Jewish persuasion, for the payment of a sum of money during the period of confined mourning ;

For the relief or maintenance of the members when on travel in search of employment, or when in distressed circumstances, or in case of shipwreck, or loss or damage of or to boats or nets ;

For the endowment of members or nominees of members at any age ;

For the insurance against fire to any amount not exceeding fifteen pounds of the tools or implements of the trade or calling of the members ;

Provided that no society (except as aforesaid) which contracts with any person for the assurance of an annuity exceeding fifty pounds per annum, or of a gross sum exceeding two hundred pounds, shall be registered under this act :

(2.) Societies (herein called cattle insurance societies) for the insurance to any amount against loss by death of neat cattle, sheep, lambs, swine, and horses from disease or otherwise : Cattle insurance societies.

(3.) Societies for any benevolent or charitable purpose (herein called benevolent societies) : Benevolent societies.

(4.) Societies (herein called working men's clubs) for purposes of social intercourse, mutual helpfulness, mental and moral improvement, and rational recreation : Working men's clubs.

(5.) Societies for any purpose which the Treasury may authorize as a purpose to which the powers and facilities of this act ought to be extended (herein called 'specially authorized societies'). Specially authorized societies.

Sect. 9. "The Treasury may limit the application of this act, as respects specially authorized societies, to such of the provisions herein contained as may be specified in the authority for registering any such society." Limited application of act.

No society can be registered which does not consist of seven persons at least.

For the purpose of registry an application to register the society, signed by seven members and the secretary, and written or printed copies of the rules, together with a list of the names of the secretary and of every trustee or other officer authorized to sue and be sued on behalf of the society, must be sent to the registrar. (Sect. 11, sub-sects. (1) (2).)

"The registrar, on being satisfied that a society has complied with the provisions as to registry in force under this act, shall issue to such society an acknowledgment of registry, which shall specify the designation of the society, according to the classification herein set forth." (Id., sub-sect. 7.)

"The acknowledgment of registry shall be conclusive evidence that the society therein mentioned is duly registered, unless it be proved that the registry of the society has been suspended or cancelled." (Id., sub-sect. 10).



**Rules and amendments.** Sect. 13. "With respect to the rules of societies the following provisions shall have effect:

**Provisions to be contained in rules.** (1.) The rules of every society sent for registry shall, according to the class in which the society is to be registered, contain provisions in respect of the several matters mentioned in the second schedule to this act.

**Amendments to be registered.** (2.) No amendment of a rule made by a registered society shall be valid until the same has been registered under this act, for which purpose copies of the same, signed by three members and the secretary, shall be sent to the registrar.

**Provision applicable to amendments.** (3.) The provision herein contained as to appeals from a refusal of registry shall apply to amendments of rules.

**Acknowledgment of registry of amendments.** (4.) The registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this act, issue to the society an acknowledgment of registry of the same, which shall be conclusive evidence that the same is duly registered.

**Copies of rules to be delivered on demand.** (5.) A copy of the rules of a registered society shall be delivered by the society to every person on demand, on payment of a sum not exceeding one shilling.

**Delivery of untrue rules.** (6.) If any person, with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations or other documents, other than the rules for the time being registered under this act, on the pretence that the same are existing rules of a registered society, or that there are no other rules of such society, or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society when the society is not registered, the person so offending shall be deemed guilty of a misdemeanor."

The following are the matters to be provided for by the rules of societies registered under the act:—

"1. The name and place of office of the society.

2. The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member.

3. The mode of holding meetings and right of voting, and the manner of making, altering or rescinding rules.

4. The appointment and removal of a committee of management (by whatever name), of a treasurer and other officers, and of trustees, and in the case of a society with branches, the composition of the central body, and the conditions under which a branch may secede from the society.

5. The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.

6. Annual returns to the registrar of the receipts, funds, effects and expenditure and number of members of the society.

7. The inspection of the books of the society by every person having an interest in the funds of the society.

8. The manner in which disputes between the society and any of its members, or any person claiming through a member or under the rules, shall be settled (i).

(i) Schedule II. In the case of friendly societies and industrial insurance companies the rules must contain the provision of sect. 30, sub-sect.

10 (*post*, pp. 31, 32); for the settlement of disputes by the county court, see sub-sect. 13 of that section, noticed *post*, p. 32.

9. In case of dividing societies, a provision for meeting all claims upon the society existing at the time of division before any such division takes place.

And also in the case of friendly and cattle insurance societies:—

1. The keeping separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted, and the keeping separate account of the expenses of management, and of all contributions on account thereof.

2. (Except as to cattle insurance societies) returns every five years to the registrar of the sickness and mortality of the society.

3. (Except as to cattle insurance societies) a valuation once at least in every five years of the assets and liabilities of the society, including the estimated risks and contributions.

4. The voluntary dissolution of the society by consent of not less than five-sixths in value of the members, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim be first satisfied or adequately provided for.

5. The right of one-fifth of the total number of members, or of one hundred members in the case of a society of one thousand members and not exceeding five thousand, or of five hundred members in the case of a society of more than ten thousand members, to apply to the chief registrar, or in case of societies registered and doing business exclusively in Ireland or Scotland to the assistant registrar for Ireland or Scotland, for an investigation of the affairs of the society, or for winding up the same."

Among other duties and obligations every registered society shall—

"Allow any member or person having an interest in the funds of the society to inspect the books at all reasonable hours at the registered office of the society, or at any place where the same are kept, except that no such member or person unless he be an officer of the society, or be specially authorized by a resolution of the society to do so, shall have the right to inspect the loan account of any other member without the written consent of such member :

"Supply gratuitously every member or person interested in the funds of the society, on his application, with a copy of the last annual return of the society for the time being" (k) :

Sect. 15. "Registered societies shall be entitled to the following privileges :

(1.) No society or meeting of a society shall be affected by any of the provisions of the acts of the thirty-ninth George the Third, chapter seventy-nine, or the fifty-seventh George the Third, chapter nineteen, if in such society or at such meeting no business is transacted other than that which directly and immediately relates to the objects of the society as declared in the registered rules thereof, but such society and all officers of the same shall, on request in writing by two justices of the peace, give full information to such justices of the nature, objects, proceedings, and practices of the society, in default whereof the provisions of the acts in this section referred to shall, so far as applicable, be in force in respect of such society.

Privileges of societies.

Corresponding societies acts, &c. not to affect registered societies.

(k) Sect. 14, sub-sect. 1 (g), (h).

Exemption from stamp duty.

(2.) Stamp duty shall not be chargeable upon any of the following documents :

- (a) Power, warrant, or letter of attorney, granted by any person as trustee for the transfer of any money of the society invested in his name in the public funds :
- (b) Order or receipt for money contributed to or received from the funds of the society by virtue of its rules or of this act :
- (c) Bond given to or on account of the society, or by the treasurer or other officer thereof :
- (d) Draft or order, or form of policy, or appointment or revocation of appointment of agent, or other document required or authorized by this act, or by the rules of the society.

Power of nomination for sums not exceeding fifty pounds.

(3.) A member of a society (other than a benevolent society or working men's club), not being under the age of sixteen years, may, by writing under his hand delivered at or sent to the registered office of the society, nominate any person, not being an officer or servant of the society, to whom any moneys payable by the society on the death of such member, not exceeding fifty pounds, shall be paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent ; and on receiving satisfactory proof of the death of a nominator, the society shall pay to the nominee the amount due to the deceased member, not exceeding the sum aforesaid.

Distribution of sums not exceeding fifty pounds.

(4.) If any member of a society, entitled from the funds thereof to a sum not exceeding fifty pounds, dies intestate and without having made any nomination under this act which remains unrevoked at his death, such sum shall be payable, without letters of administration, to the person who appears to a majority of the trustees, upon such evidence as they may deem satisfactory, to be entitled by law to receive the same.

Payments to persons apparently entitled valid.

(5.) Whenever the society, after the decease of any member, pays any sum of money to the person who at the time appears to the trustees to be entitled under this section, the payment is valid and effectual against any demand made upon the trustees or the society by any other person.

When trustees are absent, &c. registrar may order stock to be transferred.

(6.) When any person, being or having been a trustee of a society, and whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such society transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others, or solely, is absent from England or Ireland respectively, or becomes bankrupt, or files any petition or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the chief registrar, on application in writing from the secretary and three members of the society, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the society ; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the chief registrar so direct, then by the accountant general or deputy or assistant accountant general of the Bank of England or Bank of Ireland, as the case may be ; and the governors and companies of the Bank of England and Bank of Ireland respectively are hereby indemnified for

anything done by them or any of their officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

(7.) Upon the death, or bankruptcy, or insolvency of any officer of a society having in his possession by virtue of his office any money or property belonging to the society, or if any execution, attachment, or other process be issued, or action or diligence raised against such officer or against his property, his heirs, executors, or administrators, or trustee in bankruptcy or insolvency, or the sheriff or other person executing such process, or the party using such action or diligence respectively shall, upon demand in writing of the trustees of the society, or any two of them, or any person authorized by the society, or by the committee of management of the same, to make such demand, pay such money and deliver over such property to the trustees of the society in preference to any other debts or claims against the estate of such officer.

Priority on death, bankruptcy, &c. of officer.

Bankruptcy or insolvency in the present section includes liquidation of a debtor's affairs by arrangement in England, *cessio bonorum* of a debtor in Scotland, and a petition for arrangement with creditors in Ireland; and a trustee in bankruptcy or insolvency includes an assignee in Ireland and a judicial factor in Scotland.

(8.) A person under the age of twenty-one but above the age of sixteen may be a member of a society, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the society, enjoy all the rights of a member (except as herein provided), and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee, manager, or treasurer of the society.

Membership of minors.

Provided as follows:

(a.) Societies and branches, consisting wholly of members of any age under sixteen years, but exceeding three years, may be allowed to register under this act, subject to such regulations as may be made in that behalf:

(b.) No rule or practice in force at the commencement of this act for the admission of members under sixteen years of age shall be deemed contrary to any express provision of this act as respects any society already registered.

(9.) For the purpose of this act a certificate of the birth or death of any member of or person insured or to be insured with a registered friendly society shall be given under his hand by the registrar of births or deaths, or other person having the care of the register of births or deaths, in which such birth or death is entered, for a sum not exceeding one shilling, in place of all fees or payments in respect of the same, on application being made for the same in such form and under such regulations as shall be approved of by the registrar general of births, deaths and marriages for England, Scotland, and Ireland respectively.

Limitation of cost of certificates of birth or death.

(10.) A society may subscribe out of its funds to any hospital, infirmary, charitable or provident institution, any annual or other sum which may be necessary to secure to members of the society and their families the benefits of such hospital, infirmary, or other institution, according to its rules."

Society may subscribe to hospitals.

Section 16 provides for the investment of the funds of registered societies, and the holding of lands.

(Sub-sect. 3.) "All property belonging to a society, whether acquired before or after the same is registered, shall vest in the trustees for the

Property of society, how vested.

# SUPPLEMENT TO DAVIS' COUNTY COURTS.

time being of the society, for the use and benefit of the society and the members thereof, and of all persons claiming through the members according to the rules of the society; and the property of any branch of a society shall vest in the trustees of such branch, or in the trustees of the society if the rules of the society so provide, for the use and benefit either of the members of such branch and persons claiming through such members, or of the members of the society generally, and persons claiming through them, according to the rules of the society.

lution  
ath, &c. (4.) Upon the death, resignation, or removal of a trustee, whether of a society or branch, the property vested in such trustee vests in the succeeding trustees of such society or branch either solely or together with any surviving or continuing trustees, and until the appointment of succeeding trustees in such surviving or continuing trustees only, or in the executors or administrators of the last surviving or continuing trustee, as personal estate (whether the same be real or personal), subject to the same trusts, without conveyance or assignment, except that stocks and securities in the public funds of Great Britain and Ireland shall be transferred into the names of the succeeding trustees, either solely or jointly with any surviving or continuing trustees.

(5.) In all legal proceedings whatsoever concerning any such property the same shall be stated to be the property of the trustees for the time being in their proper names as trustees for the society or branch (as the case may be) without further description.

copy- (6.) Where a society is entitled in equity to any hereditaments of copyhold or customary tenure, either absolutely or by way of mortgage or security, the lord of the manor of which the same are held shall from time to time, if the society so require, admit the trustees (not to exceed three) of such society as tenants in respect of such hereditaments, on payment of the usual fines, fees, and other dues payable on the admission of a single tenant.

large of  
ages by  
t en-  
L (7.) A receipt under the hands of the trustees, countersigned by the secretary, in the form contained in the third schedule to this act, or in any form specified by the rules of the society or any schedule thereto, for all moneys secured to the society by any mortgage or other assurance, such receipt being endorsed upon or annexed to such mortgage or other assurance, vacates the same, and vests the property therein comprised in the person entitled to the equity of redemption of the same, without reconveyance or surrender; but this provision does not apply to Scotland or to the Island of Jersey.

lration  
dpt. (8.) If such mortgage or other assurance has been registered under any act for the registration or record of deeds or titles, or is of copyholds or lands of customary tenure and entered on any court rolls, the registrar under such act, or recording officer, or steward of the manor, or keeper of the register, shall on production of such receipt, verified by oath of any person, enter satisfaction on the register or on the court rolls respectively of such mortgage or of the charge made by such assurance, and shall grant a certificate, either upon such mortgage or assurance, or separately to the like effect, which certificate shall be received in evidence in all courts and proceedings without further proof, and such registrar, recording officer, steward, or keeper of the register is entitled to a fee of two shillings and sixpence for making the said entry and granting the said certificate, and such fee shall in Ireland be paid by stamps, and applied as the other fees of the Registry

of Deeds Office and Record of Title Office are by law directed to be paid and applied.

(9.) If any person obtains possession by false representation or imposition of any property of a society, or having the same in his possession withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorized by this act, he shall, on the complaint of the society, or of any member authorized by the society, or the trustees or committee of management of the same, or by the central office, or of the chief registrar or any assistant registrar by his authority, be liable on summary conviction to a penalty not exceeding twenty pounds and costs, and to be ordered to deliver up all such property, or to repay all moneys applied improperly, and in default of such delivery or repayment, or of the payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding three months; but nothing herein contained prevents any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this act.

Punishment of fraud or misappropriation.

(10.) Trustees of a society are not liable to make good any deficiency in the funds of such society, but are liable only for moneys actually received by them respectively on account of such society."

Trustees not to be personally liable.

After provisions respecting the investment of funds with the National Debt Commissioners, and regulating loans to members, and security to be given by officers in receipt or charge of money, and the accumulation of the surplus contributions of members, the following sections occur :—

Sect. 20. "With respect to officers of registered societies having receipt or charge of money, the following provisions shall have effect :

Officers in receipt or charge of money.

(1.) Every officer, if the rules of the society require, shall, before taking upon himself the execution of his office, become bound with one sufficient surety at the least in a bond according to one of the forms set forth in the third schedule to this act, or give the security of a guarantee society, in such sum as the society directs, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society at such times as its rules appoint, or as the society or the trustees or committee of management thereof require him to do so, and for the payment by him of all sums due from him to the society.

Security to be given.

(2.) Every officer, his executors or administrators, shall, at such times as by the rules of the society he should render account, or upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the society, or by the trustees or committee of management of the society, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all moneys and deliver all property for the time being in his hands or custody to such person as the society, or the committee of management, or the trustees appoint ; and in case of any neglect or refusal to deliver such account, or to pay over such moneys or to deliver such property in manner aforesaid, the trustees or authorized officers of the society may sue upon the bond or security before mentioned, or may apply to the county court (which may proceed in a summary way), or to a court of summary jurisdiction, and the order of either such court shall be final and conclusive."

Accounts of officers.

gal pro-  
ceedings.

Sect. 21. "With respect to legal proceedings against registered societies, the following provisions shall have effect :

(1.) The trustees of any society or branch, or any other officers authorized by the rules thereof, may bring or defend, or cause to be brought or defended, any action, suit, or other legal proceeding in any court whatsoever, touching or concerning any property, right, or claim of the society or branch, as the case may be, and shall sue and be sued, implead and be impleaded, in their proper names, without other description than the title of their office.

(2.) In legal proceedings which may be brought under this act by a member or person claiming through a member, the society may also be sued in the name, as defendant, of any officer or person who receives contributions or issues policies on behalf of the society within the jurisdiction of the court in which the legal proceeding is brought, with the addition of the words 'on behalf of the society' (naming the same).

(3.) No legal proceeding shall abate or be discontinued by the death, resignation, or removal from office of any officer, or by any act of such officer after the commencement of the proceedings.

(4.) The summons, writ, process or other proceeding to be issued to or against the officer or other person sued on behalf of a society shall be sufficiently served by personally serving such officer or other person, or by leaving a true copy thereof at the registered office of the society, or at any place of business of the society within the jurisdiction of the court in which the proceeding is brought, or, if such office or place of business be closed, by posting such copy on the outer door of the same ; but in all cases where the said summons, writ, process, or other proceeding shall not be served by means of such personal service or by leaving a true copy thereof at the registered office of the society, a copy thereof shall be transmitted addressed to the committee of management at the registered office of the society, and the same shall be enclosed in a registered letter posted at least six days before any further step shall be taken on such summons, writ, process, or other proceeding."

Next follows a provision further directly dealing with the jurisdiction of county courts.

disputes.

Sect. 22. "Every dispute between a member or person claiming through a member or under the rules of a registered society, and the society or an officer thereof, shall be decided in manner directed by the rules of the society, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction ; and application for the enforcement thereof may be made to the county court.

Provided as follows :

(a.) The parties to a dispute in a society may, by consent (unless the rules of such society expressly forbid it), refer such dispute to the chief registrar, or to the assistant registrar in Ireland or Scotland, who shall, with the consent of the treasury, either by himself or by any other registrar, hear and determine such dispute, and shall have power to order the expenses of determining the same to be paid either out of the funds of the society or by such parties to the dispute

as he shall think fit, and such determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society :

- (b.) The chief or other registrar to whom any dispute is referred may administer oaths, and may require the attendance of all parties concerned, and of witnesses, and the production of all books and documents relating to the matter in question ; and any person refusing to attend, or to produce any documents, or to give evidence before such chief or other registrar, shall be guilty of an offence under this act ;
- (c.) Where the rules of a society direct that disputes shall be referred to justices, the dispute shall be determined by a court of summary jurisdiction (1) :

Provided that in every case of dispute cognizable under the rules of a society by a court of summary jurisdiction, it shall be lawful for the parties thereto to enter into a consent referring such dispute to the county court, which may hear and determine the matter in dispute :

- (d.) Where the rules contain no direction as to disputes, or where no decision is made on a dispute within forty days after application to the society for a reference under its rules, the member or person aggrieved may apply either to the county court, or to a court of summary jurisdiction, which may hear and determine the matter in dispute :
- (e.) The court, chief or other registrar, may, at the request of either party, state a case for the opinion in England of the Supreme Court of Judicature, in Scotland of either division of the Inner House of the Court of Session, or in Ireland of one of the superior courts of common law at Dublin, on any question of law, and may also grant to either party such discovery as to documents and otherwise, or such inspection of documents, and in Scotland may grant warrant for the recovery of documents and examination of havers, as might be granted by any court of law or equity, such discovery to be made on behalf of the society by such officer of the same as such court or registrar may determine."

The provision, however, of the greatest importance, not only as affecting county courts' jurisdiction, but the rights of members, is contained in sect. 30. It does not extend to every description of registered society, but applies to friendly societies and to all industrial assurance companies, except an assurance with any such company the premiums in respect of which are receivable at greater periodical intervals than two months. This provision is in these terms :—

" In all disputes between a society and any member or person insured, or any person claiming through a member or person insured, or under the rules, such member or person may, notwithstanding any provisions

(1) For the constitution of courts of summary jurisdiction, see sect. 33, sub-sect. 3.



of the rules of such society to the contrary, apply to the county court, or to the court of summary jurisdiction for the place where such member or other person resides, and such court may settle such disputes in manner herein provided" (m).

This provision applies to societies existing at the commencement of the act, and must be contained in the rules of all future societies to which the section applies (n). It will be seen that the effect of this section is to give members of friendly societies and also persons insured in industrial assurance companies the right to apply for relief to the county court, notwithstanding any other tribunal established by the rules, and notwithstanding sect. 22, enacting that disputes shall be decided in manner directed by the rules of the society.

The difficulties felt and the injustice heretofore often perpetrated by societies on members (especially aged members) by the rules providing an interested tribunal for deciding claims, are now, it may be hoped, removed (o).

As to cattle insurance and certain other societies.

Sect. 31. "The provisions of the present section apply only to registered cattle insurance societies, and to such specially authorised societies as the Treasury may allow to take the benefit of the present section:

Rules to have effect of covenant by members.

(1.) The rules bind the society and the members thereof, and all persons claiming through them respectively, to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such rules contained a covenant on the part of himself, his heirs, executors, and administrators, to conform to such rules subject to the provisions of this act.

Money payable by members to be recoverable as debt.

(2.) All moneys payable by a member to the society are deemed to be a debt due from such member to the society, and are recoverable as such in the county court of the district in which such member resides."

Sect. 34 enacts that—

"The registrars and high bailiffs of the county courts shall be remunerated for the duties to be performed by them under this act in such manner as the Treasury, with the consent of the Lord Chancellor, shall from time to time order and direct."

See Order XXXV. of the Consolidated County Court Orders, *post*, regulating proceedings under "The Friendly Societies Act, 1875."

(m) Sect. 30, sub-sect. 10.

(n) Sect. 30, sub-sect. 13.

(o) See the observations on the former law, Vol. II., pp. 183, 184.

## THE SALE OF FOOD AND DRUGS ACT, 1875.

(38 &amp; 39 VICT. c. 63.)

This act contains the following remarkable clause affecting actions, whether in the county court or elsewhere:—

Sect. 28. "Nothing in this act contained shall affect the power of proceeding by indictment or take away any other remedy against any offender under this act, or in any way interfere with contracts and bargains between individuals and the rights and remedies belonging thereto.

"Provided that in any action brought by any person for a breach of contract on the sale of any article of food or of any drug, such person may recover alone or in addition to any other damages recoverable by him, the amount of any penalty in which he may have been convicted under this act, together with the costs paid by him upon such conviction and those incurred by him in and about his defence thereto, if he prove that the article or drug, the subject of such conviction, was sold to him as and for an article or drug of the same nature, substance and quality as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it; the defendant in such action being nevertheless at liberty to prove that the conviction was wrongful, or that the amount of costs awarded or claimed was unreasonable."

## THE SUPREME COURT OF JUDICATURE ACT, 1875.

(38 &amp; 39 VICT. c. 77.)

This act, amending the Supreme Court of Judicature Act, 1873 (called the principal act), only affects to a comparatively small extent those provisions of the Supreme Court of Judicature Act, 1873, which were given in the last edition of the County Court Practice and Evidence (*p*).

Sect. 10. "Whereas by section twenty-five of the principal act (*q*), after reciting that it is expedient to amend and declare the law to be thereafter administered in England as to the matters next therein-after mentioned, certain enactments are made with respect to the law, and it is expedient to amend the said section: Be it therefore enacted as follows:

Amendment of 36 & 37 Vict. c. 66, s. 25, as to rules of law upon certain points.

Sub-section one of clause twenty-five of the principal act is hereby repealed, and instead thereof the following enactment shall take effect; (that is to say,) in the administration by the court of the assets of any person who may die after the commencement of this act, and whose estate may prove to be insufficient for the

(*p*) The Rules appended to the Act of 1875 regulate the proceedings in the High Court of Justice and Court of Appeal; and, although they may in time affect the procedure in

the County Courts, it would be worse than useless to speculate on the extent of such application.

(*q*) See Vol. I. p. 61 (*n*.)

payment in full of his debts and liabilities, and in the winding-up of any company under the Companies Acts, 1862 and 1867, whose assets may prove to be insufficient for the payment of its debts and liabilities and the costs of winding-up, the same rules shall prevail and be observed as to the respective rights of secured and unsecured creditors, and as to debts and liabilities provable, and as to the valuation of annuities and future and contingent liabilities respectively as may be in force for the time being under the law of bankruptcy with respect to the estates of persons adjudged bankrupt, and all persons who in any such case would be entitled to prove for and receive dividends out of the estate of any such deceased person, or out of the assets of any such company, may come in under the decree or order for the administration of such estate, or under the winding-up of such company, and make such claims against the same as they may respectively be entitled to by virtue of this act. In subsection seven of the said section (r) the reference to the date of the passing of the principal act shall be deemed to refer to the date of the commencement of the principal act."

The auxiliary jurisdiction of the county court, in relation to district registries (Vol. I., p. 50), has been slightly amended.

Amendment  
of sect. 60 of  
36 & 37 Vict.  
c. 66, as to  
district regis-  
trars.

Sect. 13. "Whereas by sect. 60 of the principal act it is provided that for the purpose of facilitating the prosecution in country districts of legal proceedings, it shall be lawful for her Majesty by order in council from time to time to direct that there shall be district registries in such places as shall be in such order mentioned for districts to be thereby defined (s), and whereas it is expedient to amend the said section: Be it therefore enacted that

"Where any such order has been made, two persons may, if required, be appointed to perform the duties of district registrar in any district named in the order, and such persons shall be deemed to be joint district registrars, and shall perform the said duties in such manner as may from time to time be directed by the said order, or any order in council amending the same.

"Moreover the registrar of any inferior court of record having jurisdiction in any part of any district defined by such order (other than a county court) shall, if appointed by her Majesty, be qualified to be a district registrar for the said district, or for any and such part thereof as may be directed by such order or any order amending the same.

"Every district registrar shall be deemed to be an officer of the Supreme Court, and be subject accordingly to the jurisdiction of such court, and of the divisions thereof."

Sect. 14. Recites that under sect. 87 of the principal act solicitors and attorneys will be called solicitors of the Supreme

(r) See Vol. I. p. 62 (n.)

(s) Under this power district registrars were (by order in council dated 12th August, 1875,) established in seventy-four places. With the exception of Liverpool, Manchester,

Preston and Durham, the registrar of the county court is appointed district registrar, and the district is the county court district of the place. It is probable that an alteration will be made in the extent of the districts.

Court, and provides for regulations adapting enactments relating to them.

Sect. 15. "It shall be lawful for her Majesty from time to time, by order in council, to direct that the enactments relating to appeals from county courts shall apply to any other inferior court of record; and those enactments, subject to any exceptions, conditions, and limitations contained in the order, shall apply accordingly as from the date mentioned in the order."

Sect. 32. Reciting 32 & 33 Vict. c. 83, s. 19, and 32 & 33 Vict. c. 71, s. 116 (see Vol. II., p. 354), as to payment of unclaimed dividends in bankruptcy, enacts that—

"Any court having jurisdiction in the matter of any bankruptcy or insolvency, upon being satisfied that any person claiming is entitled to any dividend or other payment out of the moneys vested in the Crown in pursuance of sect. 19 of "The Bankruptcy Repeal and Insolvent Court Act, 1869," or of sect. 116 of "The Bankruptcy Act, 1869," may order payment of the same in like manner as it might have done if the same had not by reason of the expiration of five years become vested in the Crown, in pursuance of the said section. This section shall take effect as from the passing of this act."

## PARLIAMENTARY ELECTIONS (RETURNING OFFICERS) ACT, 1875.

(38 & 39 VICT. c. 84.)

This act amends the law relating to the expenses and charges of returning officers at parliamentary elections, and, after limiting the charges of returning officers, and giving them power to require security from candidates, and requiring returning officers to deliver accounts of charges, enacts (by sect. 4) that—

"If the person from whom payment is claimed objects to any part of the claim, he may, at any time within fourteen days from the time when the account is transmitted to him, apply to the court, as defined in this section, for a taxation of the account, and the court shall have jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer, and to give and enforce judgment for the same as if such judgment were a judgment in an action in such court, and with or without costs, at the discretion of the court.

"The court for the purposes of this act shall be, in the city of London, the Lord Mayor's Court, and elsewhere in England the county court, and in Ireland the Civil Bill Court having jurisdiction at the place of nomination for an election to which the proceedings relate.

"The court may depute any of its powers or duties under this act to the registrar or other principal officer of the court.

"Nothing in this section shall apply to the charge of the returning officer for publication of accounts of election expenses."

The act, also, by sect. 5, limits the liability of returning officers for work, labour, materials, services, or expenses to written claims within fourteen days of the return of the person elected, and enacts that—

“Where application is made for taxation of the accounts of returning officer, he may apply to the court, as defined by this act, to examine any claim transmitted to him by any person in pursuance of this section, and the court, after notice given to such person, and after hearing him, and any evidence tendered by him, may allow or disallow, or reduce the claim objected to, with or without costs, and the determination of the court shall be final for all purposes, and as against all persons.”

## THE LAND TRANSFER ACT, 1875.

(38 & 39 VICT. c. 87.)

This act “to make further provision for the simplification of the title to land, and for facilitating the transfer of land,” taking effect from 1st January, 1876, establishes a land registry, and gives various powers to “the court,” on application of any person interested, “made in the prescribed manner,” in relation to any registered land or charge. The act provides—

“The court”  
to mean, ac-  
cording to cir-  
cumstances,  
court of chan-  
cery and  
county court.

Sect. 114. “For the purposes of this act ‘the court’ shall mean the Court of Chancery or the county court, according as the one or other of such courts may be prescribed by the general rules made for carrying into effect this act (a).”

“The county court shall, in cases where it has jurisdiction, under this act, have, for all the purposes of such jurisdiction, all the powers of the Court of Chancery.

“Any jurisdiction of the Court of Chancery or county court under this act may be exercised by any judge of the said court, whether sitting in open court or in chambers.”

Appeal from  
county court.

Sect. 116. “Any person aggrieved by any order of a judge of a county court may, within the prescribed time, and in the prescribed manner, appeal to the Court of Chancery. The court, on hearing such appeal, may give judgment affirming, reversing, or modifying the order appealed from, and may finally decide thereon, and make such order as to costs in the court below and of the appeal as may be agreeable to justice; and if the court alter or modify the order, such order so altered or modified shall be of the like effect as if it were the order of the county court. The Court of Chancery may, also, in cases where the court thinks it expedient so to do, instead of making a final order, remit the case, with such directions as the court may think fit, to the court below.”

(a) Rules are made by the Lord Chancellor, with the advice and assistance of the registrar.

## THE EMPLOYERS AND WORKMEN ACT, 1875.

(38 &amp; 39 VICT. C. 90.)

This act, which came into operation on the 1st of September, 1875, enacts—

Sect. 3. "In any proceeding before a county court in relation to any dispute between an employer and a workman (*p*) arising out of or incidental to their relation as such (which dispute is hereinafter referred to as a dispute under this act) the court may, in addition to any jurisdiction it might have exercised if this act had not passed, exercise all or any of the following powers; that is to say,

Power of county court as to ordering of payment of money, set-off and rescission of contract and taking security.

- (1.) It may adjust and set off the one against the other all such claims on the part either of the employer or of the workman, arising out of or incidental to the relation between them, as the court may find to be subsisting, whether such claims are liquidated or unliquidated, and are for wages, damages, or otherwise (*q*); and,
- (2.) If, having regard to all the circumstances of the case, it thinks it just to do so, it may rescind any contract between the employer and the workman upon such terms as to the apportionment of wages or other sums due thereunder, and as to the payment of wages or damages, or other sums due, as it thinks just; and,
- (3.) Where the court might otherwise award damages for any breach of contract it may, if the defendant be willing to give security to the satisfaction of the court for the performance by him of so much of his contract as remains unperformed, with the consent of the plaintiff, accept such security, and order performance of the contract accordingly, in place either of the whole of the damages which would otherwise have been awarded, or some part of such damages.

The security shall be an undertaking by the defendant and one or more surety or sureties that the defendant will perform his contract, subject on non-performance to the payment of a sum to be specified in the undertaking.

(*p*) Section 10 enacts that, "In this act the expression 'workman' does not include a domestic or menial servant, but, save as aforesaid, means any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this act, be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour." See

this definition fully examined in Davis' Labour Laws, pp. 110—116.

(*q*) Section 11 enacts that, "In the case of a child, young person, or woman subject to the provisions of the Factory Acts, 1833 to 1874, any forfeiture on the ground of absence or leaving work shall not be deducted from or set off against a claim for wages or other sum due for work done before such absence or leaving work, except to the amount of the damage (if any) which the employer may have sustained by reason of such absence or leaving work." As to the origin and meaning of this section, see the preface to Davis' Labour Laws, p. ix., and also p. 292 of that work.

Any sum paid by a surety on behalf of a defendant in respect of a security under this act, together with all costs incurred by such surety in respect of such security, shall be deemed to be a debt due to him from the defendant; and where such security has been given in or under the direction of a court of summary jurisdiction, that court may order payment to the surety of the sum which has so become due to him from the defendant."

Mode of  
giving secu-  
rity.

Sect. 8. "A person may give security under this act in a county court or court of summary jurisdiction by an oral or written acknowledgment in or under the direction of the court of the undertaking or condition by which and the sum for which he is bound, in such manner and form as may be prescribed by any rule for the time being in force, and in any case where security is so given, the court in or under the direction of which it is given may order payment of any sum which may become due in pursuance of such security.

The Lord Chancellor may at any time after the passing of this act, and from time to time make, and when made, rescind, alter, and add to, rules with respect to giving security under this act."

The County Court Consolidated Orders, 1875, Order XXXVII. r. 50, *post*, provide that no notice of set-off or counter-claim shall be necessary in any action between employers and workmen to enable the court to exercise the powers mentioned in sub-sect. (1) of s. 3 in the text.

## THE AGRICULTURAL HOLDINGS (ENGLAND) ACT, 1875.

(38 & 39 VICT. c. 92.)

This act, "for amending the law relating to agricultural holdings in England," is so important, not only with reference to the jurisdiction given to county courts under it, but also in relation to the rights of landlord and tenant generally, including notices to quit and fixtures, that the provisions are given in full.

### " Preliminary.

Short title.

Sect. 1. "This act may be cited as 'The Agricultural Holdings (England) Act, 1875.'

Commence-  
ment of act.

Sect. 2. "This act shall commence from and immediately after the fourteenth day of February, one thousand eight hundred and seventy-six.

Extent of act.  
Interpreta-  
tion.

Sect. 3. "This act shall not extend to Scotland or Ireland.

Sect. 4. "In this act—

'Contract of tenancy' means a letting of land for a term of years, or for lives, or for lives and years, or from year to year, or at will :

'Determination of tenancy' means the cesser of a contract of tenancy by reason of effluxion of time, or from any other cause :

'Landlord' means the person for the time being entitled to possession of land subject to a contract of tenancy, or entitled to receipt of rent reserved by a contract of tenancy, whatever be the extent of his interest, and although the land or his interest therein is incumbered or charged by himself or his settlor, or otherwise, to any extent; the party to a contract of tenancy under which land is actually occupied being alone deemed to be the landlord in relation to the actual occupier:

'Tenant' means the holder of land under a contract of tenancy:

'Landlord' or 'tenant' includes the agent authorized in writing to act under this act generally, or for any special purpose, and the executors, administrators, assigns, husband, guardian, committee of the estate, or trustees in bankruptcy, of a landlord or tenant:

'Holding' includes all land held by the same tenant of the same landlord for the same term under the same contract of tenancy:

'Absolute owner' means the owner or person capable of disposing, by appointment or otherwise, of the fee simple or whole interest of or in freehold, copyhold, or leasehold land, although the land or his interest therein is mortgaged, encumbered, or charged to any extent:

'County court,' in relation to a holding, means the county court within the district whereof the holding or the larger part thereof is situate:

'Person' includes a body of persons and a corporation aggregate or sole.

"The designations of landlord and tenant shall, for the purposes of this act, continue to apply to the parties to a contract of tenancy until the conclusion of any proceedings taken under this act on the determination of the tenancy.

#### "Compensation."

Sect. 5. "Where, after the commencement of this act, a tenant executes on his holding an improvement comprised in either of the three classes following: Tenant's title to compensation.

##### FIRST CLASS.

Drainage of land.	Making or improving of water-courses, ponds, wells, or reservoirs, or of works for supply of water for agricultural or domestic purposes.
Erection or enlargement of buildings.	Making of fences.
Laying down of permanent pasture.	Planting of hops.
Making and planting of osier beds.	Planting of orchards.
Making of water meadows or works of irrigation.	Reclaiming of waste land.
Making of gardens.	Warping of land.
Making or improving of roads or bridges.	

##### SECOND CLASS.

Boning of land with undissolved bones.	Claying of land.
Chalking of land.	Liming of land.
Clay burning.	Marling of land.



## THIRD CLASS.

Application to land of purchased artificial or other purchased manure.

Consumption on the holding by cattle, sheep, or pigs of cake or other feeding stuff not produced on the holding.

he shall be entitled, subject to the provisions of this act, to obtain, on the determination of the tenancy, compensation in respect of the improvement.

Time in which improvement exhausted.

Sect. 6. "An improvement shall not in any case be deemed, for the purposes of this act, to continue unexhausted beyond the respective periods of time after the year of tenancy in which the outlay thereon is made:

"Where the improvement is of the first class, the end of twenty years:

"Where it is of the second class, the end of seven years:

"Where it is of the third class, the end of two years:

Amount of tenant's compensation in first class.

Sect. 7. "The amount of the tenant's compensation in respect of an improvement of the first class shall, subject to the provisions of this act, be the sum laid out by the tenant on the improvement, with a deduction of a proportionate part thereof for each year while the tenancy endures after the year of tenancy in which the outlay is made and while the improvement continues unexhausted; but so that where the landlord was not, at the time of the consent given to the execution of the improvement, absolute owner of the holding for his own benefit, the amount of the compensation shall not exceed a capital sum fairly representing the addition which the improvement, as far as it continues unexhausted at the determination of the tenancy, then makes to the letting value of the holding.

Amount of tenant's compensation in second class.

Sect. 8. "The amount of the tenant's compensation in respect of an improvement of the second class shall, subject to the provisions of this act, be the sum properly laid out by the tenant on the improvement, with a deduction of a proportionate part thereof for each year while the tenancy endures after the year of tenancy in which the outlay is made and while the improvement continues unexhausted.

Amount of tenant's compensation in third class.

Sect. 9. "The amount of the tenant's compensation in respect of an improvement of the third class shall, subject to the provisions of this act, be such proportion of the sum properly laid out by the tenant on the improvement as fairly represents the value thereof at the determination of the tenancy to an incoming tenant.

Consent of landlord for first class.

Sect. 10. "The tenant shall not be entitled to compensation in respect of an improvement of the first class, unless he has executed it with the previous consent in writing of the landlord.

Deduction in first class for want of repair, &c.

Sect. 11. "In the ascertainment of the amount of the tenant's compensation in respect of an improvement of the first class, there shall be taken into account, in reduction thereof, any sum reasonably necessary to be expended for the purpose of putting the same into tenantable repair or good condition.

Notice to landlord for second class.

Sect. 12. "The tenant shall not be entitled to compensation in respect of an improvement of the second class, unless, not more than forty-two and not less than seven days before beginning to execute it, he has given to the landlord notice in writing of his intention to do so, nor where it is executed after the tenant has given or received notice to quit, unless it is executed with the previous consent in writing of the landlord.

Sect. 13. "The tenant shall not be entitled to compensation in respect of an improvement of the third class, where, after the execution thereof, there has been taken from the portion of the holding on which the same was executed, a crop of corn, potatoes, hay, or seed, or any other exhausting crop."

Exclusion of compensation in third class after exhausting crop.

Sect. 14. "The tenant shall not be entitled to compensation in respect of an improvement of the third class, consisting in the consumption of cake or other feeding stuff, where, under the custom of the country or an agreement, he is entitled to and claims payment from the landlord or incoming tenant in respect of the additional value given by that consumption to the manure left on the holding at the determination of the tenancy."

Exclusion of compensation for consumption of cake, &c. in certain cases.

Sect. 15. "In the ascertainment of the amount of compensation in respect of an improvement of the third class,—

Restrictions as to third class.

(1.) There shall not be taken into account any larger outlay during the last year of the tenancy than the average amount of the tenant's outlay for like purposes during the three next preceding years of the tenancy, or other less number of years for which the tenancy has endured; and,

(2.) There shall be deducted the value of the manure that would have been produced by the consumption on the holding of any hay, straw, roots, or green crops sold off the holding within the last two years of the tenancy or other less time for which the tenancy has endured, except as far as a proper return of manure to the holding has been made in respect of such produce sold off.

Sect. 16. "The amount of the tenant's compensation shall be subject to the following deductions :

Deductions from compensation for taxes, rent, &c.

(1.) For taxes, rates, and tithe-rentcharge due or becoming due in respect of the holding to which the tenant is liable as between him and the landlord :

(2.) For rent due or becoming due in respect of the holding :

(3.) For the landlord's compensation under this act.

Sect. 17. "In the ascertainment of the amount of the tenant's compensation there shall be taken into account in reduction thereof any benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement."

Set-off of benefit to tenant.

Sect. 18. "Where a landlord commits a breach of covenant or other agreement connected with the contract of tenancy, and the tenant claims under this act compensation in respect of an improvement, then the tenant shall be entitled to obtain, on the determination of the tenancy, compensation in respect of the breach, subject and according to the provisions of this act."

Tenant's compensation for breach of covenant.

Sect. 19. "Where a tenant commits or permits waste, or commits a breach of a covenant or other agreement connected with the contract of tenancy, and the tenant claims compensation under this act in respect of an improvement, then the landlord shall be entitled, by counter-claim, but not otherwise, to obtain, on the determination of the tenancy, compensation in respect of the waste or breach, subject and according to the provisions of this act."

Landlord's title to compensation.

"But nothing in this section shall enable a landlord to obtain under this act compensation in respect of waste or a breach committed or permitted in relation to a matter of husbandry more than four years before the determination of the tenancy."

*" Procedure.*

Notice of  
intended  
claim.

Sect. 20. "Notwithstanding anything in this act, a tenant shall not be entitled to compensation under this act unless one month at least before the determination of the tenancy he gives notice in writing to the landlord of his intention to make a claim for compensation under this act.

"Where a tenant gives such a notice the landlord may, before the determination of the tenancy, or within fourteen days thereafter, give a counter-notice in writing to the tenant of his intention to make a claim for compensation under this act.

"Every such notice and counter-notice shall state, as far as reasonably may be, the particulars of the intended claim.

Compensa-  
tion agreed  
or settled by  
reference.

Sect. 21. "The landlord and the tenant may agree on the amount and mode and time of payment of compensation to be paid to the tenant or to the landlord under this act.

"If in any case they do not so agree the difference shall be settled by a reference.

Appointment  
of referee or  
referees and  
umpire.

Sect. 22. "Where there is a reference under this act, a referee, or two referees and an umpire, shall be appointed as follows :

- (1.) If the parties concur, there may be a single referee appointed by them jointly :
- (2.) If, before award, the single referee dies or becomes incapable of acting, or for seven days after notice from the parties, or either of them, requiring him to act, fails to act, the proceedings shall begin afresh, as if no referee had been appointed :
- (3.) If the parties do not concur in the appointment of a single referee, each of them shall appoint a referee :
- (4.) If, before award, one or two referees dies or becomes incapable of acting, or for seven days after notice from either party requiring him to act fails to act, the party appointing him shall appoint another referee :
- (5.) Notice of every appointment of a referee by either party shall be given to the other party :
- (6.) If for fourteen days after notice by one party to the other to appoint a referee, or another referee, the other party fails to do so, then, on the application of the party giving notice, the county court shall, within fourteen days, appoint a competent and impartial person to be a referee :
- (7.) Where two referees are appointed, then (subject to the provisions of this act) they shall, before they enter on the reference, appoint an umpire :
- (8.) If, before award, an umpire dies or becomes incapable of acting, the referees shall appoint another umpire :
- (9.) If, for seven days after request from either party, the referees fail to appoint an umpire, or another umpire, then, on the application of either party, the county court shall, within fourteen days, appoint a competent and impartial person to be the umpire :
- (10.) Every appointment, notice, and request under this section shall be in writing.

Requisition  
for appoint-  
ment of um-  
pire by inclo-  
sure commis-  
sioners, &c.

Sect. 23. "Provided, that where two referees are appointed, an umpire may be appointed as follows :

- (1.) If either party, on appointing a referee, requires, by notice in writing to the other, that the umpire shall be appointed by the

Inclosure Commissioners for England and Wales, then the umpire, and any successor to him, shall be appointed, on the application of either party, by those Commissioners :

- (2.) In every other case, if either party, on appointing a referee, requires, by notice in writing to the other, that the umpire shall be appointed by the county court, then, unless the other party dissents by notice in writing therefrom, the umpire, and any successor to him, shall, on the application of either party, be so appointed, and in case of such dissent, the umpire, and any successor to him, shall be appointed, on the application of either party, by the Inclosure Commissioners for England and Wales.

Sect. 24. "The powers of the county court under this act, relative to the appointment of a referee or umpire shall be exerciseable by the judge of the court having jurisdiction, whether he is without or within his district, and may, by consent of the parties, be exercised by the registrar of the court.

Exercise of powers of county court.

Sect. 25. "The delivery to a referee of his appointment shall be deemed a submission to a reference by the party delivering it; and neither party shall have power to revoke a submission, or the appointment of a referee, without the consent of the other.

Mode of submission to reference.

Sect. 26. "The referee or referees or umpire may call for the production of any sample, or voucher or other document, or other evidence which is in the possession or power of either party, or which either party can produce, and which to the referee or referees or umpire seems necessary for determination of the matters referred, and may take the examination of the parties and witnesses on oath, and may administer oaths and take affirmations; and if any person so sworn or affirming wilfully and corruptly gives false evidence he shall be guilty of perjury.

Power for referee, &c. to require production of documents, administer oaths, &c.

Sect. 27. "The referee or referees or umpire may proceed in the absence of either party where the same appears to him or them expedient, after notice given to the parties.

Power to proceed in absence.

Sect. 28. "The award shall be in writing, signed by the referee or referees or umpire.

Form of award.

Sect. 29. "A single referee shall make his award ready for delivery within twenty-eight days after his appointment.

Time for award of referee or referees.

"Two referees shall make their award ready for delivery within twenty-eight days after the appointment of the last appointed of them, or within such extended time (if any) as they from time to time jointly fix by writing under their hands, so that they make their award ready for delivery within a time not exceeding in the whole forty-nine days after the appointment of the last appointed of them.

Sect. 30. "Where two referees are appointed and act, if they fail to make their award ready for delivery within the time aforesaid, then, on the expiration of that time, their authority shall cease, and thereupon the matters referred to them shall stand referred to the umpire.

Reference to and award by umpire.

"The umpire shall make his award ready for delivery within twenty-eight days after notice in writing given to him by either party or referee of the reference to him, or within such extended time (if any) as the registrar of the county court from time to time appoints, on the application of the umpire or of either party, made before the expiration of the time appointed by or extended under this section.

Sect. 31. "The award shall find and state the time at which each improvement, in respect whereof compensation is awarded, is taken, for the purposes of the award, to be exhausted.

Duration of improvement to be found.

Award to  
give parti-  
culars.

Sect. 32. "The award shall not award a sum generally for compensation, but shall, as far as reasonably may be, specify—

The several improvements, acts, and things in respect whereof compensation is awarded;

The time at which each thereof was executed, committed, or permitted;

In the case of an improvement of the first class, where the landlord was not at the time of the consent given to the execution thereof absolute owner of the holding for his own benefit, the extent to which the improvement adds to the letting value of the holding;

The sum awarded in respect of each improvement, act, or thing; and  
The sum laid out by the tenant on each improvement.

Costs of re-  
ference.

Sect. 33. "The costs of and attending the reference, including the remuneration of the referee or referees and umpire, where the umpire has been required to act, and including other proper expenses, shall be borne and paid by the parties in such proportion as to the referee or referees or umpire appears just, regard being had to the reasonableness or unreasonableness of the claim of either party in respect of amount, or otherwise, and to all the circumstances of the case.

"The award may direct the payment of the whole or any part of the costs aforesaid by the one party to the other.

"The costs aforesaid shall be subject to taxation by the registrar of the county court, on the application of either party, but that taxation shall be subject to review by the judge of the county court.

Day for pay-  
ment.

Sect. 34. "The award shall fix a day, not sooner than one month after the delivery of the award, for the payment of money awarded for compensation, costs, or otherwise.

Submission  
not to be  
removable,  
&c.

Sect. 35. "A submission or award shall not be made a rule of any court, or be removable by any process into any court, and an award shall not be questioned otherwise than as provided by this act.

Appeal to  
county court.

Sect. 36. "Where the sum claimed for compensation exceeds fifty pounds, either party may, within seven days after the delivery of the award, appeal against it to the judge of the county court on all or any of the following grounds:

1. That the award is invalid;

2. That compensation has been awarded for improvements, acts, or things, breaches of covenants or agreements, or for committing or permitting waste, in respect of which the party claiming was not entitled to compensation;

3. That compensation has not been awarded for improvements, acts, or things, breaches of covenants or agreements, or for committing or permitting waste, in respect of which the party claiming was entitled to compensation;

and the judge shall hear and determine the appeal, and may, in his discretion, remit the case to be reheard as to the whole or any part thereof by the referee or referees or umpire, with such directions as he may think fit.

"If no appeal is so brought, the award shall be final.

"The decision of the judge of the county court on appeal shall be final, save that the judge shall, at the request of either party, state a special case on a question of law for the judgment of the High Court of Justice, and the decision of the High Court on the case, and respecting costs and any other matter connected therewith, shall be final, and the judge of the county court shall act thereon.

Sect. 37. "Where any money agreed or awarded or ordered on appeal to be paid for compensation, costs, or otherwise, is not paid within fourteen days after the time when it is agreed or awarded or ordered to be paid, it shall be recoverable, upon order made by the judge of the county court, as money ordered by a county court under its ordinary jurisdiction to be paid is recoverable.

Recovery of compensation.

Sect. 38. "Where a landlord or tenant is an infant without a guardian, or is of unsound mind not so found by inquisition, the county court, on the application of any person interested, may appoint a guardian of the infant or person of unsound mind for the purposes of this act, and may change the guardian if and as occasion requires.

Appointment of guardian.

Sect. 39. "The county court may appoint a person to act as the next friend of a married woman for the purposes of this act, and may remove or change that next friend if and as occasion requires.

Provisions respecting married women.

"A married woman entitled for her separate use, and not restrained from anticipation, shall, for the purposes of this act, be in respect of land as if she was unmarried.

"Where any other married woman is desirous of doing any act under this act, her husband's concurrence shall be requisite, and she shall be examined apart from him by the county court, or by the judge of the county court for the place where she for the time being is, touching her knowledge of the nature and effect of the intended act, and it shall be ascertained that she is acting freely and voluntarily.

Sect. 40. "The costs of proceedings in the county court under this act shall be in the discretion of the court.

Costs in county court.

"The Lord Chancellor may from time to time prescribe a scale of costs for those proceedings, and of costs to be taxed by the registrar of the court.

Sect. 41. "Any notice, request, demand, or other instrument under this act may be served on the person to whom it is to be given, either personally or by leaving it for him at his last known place of abode in England, or by sending it through the post in a registered letter addressed to him there; and if so sent by post it shall be deemed to have been served at the time when the letter containing it would be delivered in ordinary course; and in order to prove service by letter it shall be sufficient to prove that the letter was properly addressed and posted, and that it contained the notice, request, demand, or other instrument to be served.

Service of notice, &c.

#### *"Charge of Tenant's Compensation."*

Sect. 42. "A landlord, on paying to the tenant the amount of compensation due to him under this act, may obtain from the county court a charge on the holding in respect thereof:

Power for landlord, on paying compensation, to obtain charge.

"The court shall have power, on proof of the payment, and on being satisfied of the observance in good faith by the parties of the conditions imposed by this act, to make an order charging the holding with repayment of the amount paid, or any part thereof, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the court thinks fit:

"But, where the landlord obtaining the charge is not absolute owner of the holding for his own benefit, no instalment or interest shall be made payable after the time when the improvement in respect whereof compensation is paid will, for the purposes of this act, be taken to be exhausted:

"The instalments and interest shall be charged in favour of the landlord, his executors, administrators and assigns.

Advance made by a company for the improvement of land.

Sect. 43. "Any company now or hereafter incorporated by parliament, and having power to advance money for the improvement of land, may take an assignment of any charge made by a county court under the provisions of this act, upon such terms and conditions as may be agreed upon between such company and the person entitled to such charge; and such company may assign any charge so acquired by them to any person or persons whomsoever.

Duration of charge.

Sect. 44. "The sum charged by the order of a county court under this act shall be a charge on the holding for the landlord's interest therein, and for all interests therein subsequent to that of the landlord; but so that the charge shall not extend beyond the landlord's interest where the landlord is himself a tenant of the holding.

#### *"Crown and Duchy Lands.*

Application of act to crown lands.

Sect. 45. "This act shall extend and apply to land belonging to her Majesty the Queen, her heirs and successors, in right of the crown.

"With respect to such land, for the purposes of this act, the Commissioners of her Majesty's Woods, Forests and Land Revenues, or one of them, or other the proper officer or body having charge of such land for the time being, or in case there is no such officer or body, then such person as her Majesty, her heirs or successors, may appoint in writing under the royal sign manual, shall represent her Majesty, her heirs and successors, and shall be deemed to be the landlord.

"Any compensation payable under this act by the Commissioners of her Majesty's Woods, Forests and Land Revenues, or either of them, in respect of an improvement of the first class, shall be deemed to be payable in respect of an improvement of land within section one of 'The Crown Lands Act, 1866,' and the amount thereof shall be charged and repaid as in that section provided with respect to the costs, charges and expenses therein mentioned.

"Any compensation payable under this act by those commissioners, or either of them, in respect of an improvement of the second class, or of the third class, shall be deemed to be part of the expenses of the management of the land revenues of the crown, and shall be payable by those commissioners out of such money and in such manner as the last-mentioned expenses are by law payable.

Application of act to land of Duchy of Lancaster.

Sect. 46. "This act shall extend and apply to land belonging to her Majesty, her heirs and successors, in right of the duchy of Lancaster.

"With respect to such land, for the purposes of this act, the chancellor for the time being of the duchy shall represent her Majesty, her heirs and successors, and shall be deemed to be the landlord.

"The amount of any compensation payable under this act by the chancellor of the duchy in respect of an improvement of the first class shall be deemed to be an expense incurred in improvement of land belonging to her Majesty, her heirs or successors, in right of the duchy, within section twenty-five of the act of the fifty-seventh year of King George the Third, chapter ninety-seven, and shall be raised and paid as in that section provided with respect to the expenses therein mentioned.

"The amount of any compensation payable under this act by the chancellor of the duchy in respect of an improvement of the second class or of the third class shall be paid out of the annual revenues of the duchy.

"The amount of any compensation payable under this act to the

chancellor of the duchy shall be paid into the hands of the receiver general of the revenues of the duchy, or of his sufficient deputy or deputies; and receipts shall be given by him or them for the same; and the same shall be applied as purchase-money for land sold under 'The Duchy of Lancaster Lands Act, 1855,' is applicable under section two of that act.

Sect. 47. "This act shall extend and apply to land belonging to the duchy of Cornwall.

Application of act to land of Duchy of Cornwall.

"With respect to such land for the purposes of this act, such person as the Duke of Cornwall for the time being, or other the personage for the time being entitled to the revenues and possessions of the Duchy of Cornwall, from time to time, by sign manual, warrant or otherwise, appoints, shall represent the Duke of Cornwall, or other the personage aforesaid, and be deemed to be the landlord, and may do any act or thing under this act which a landlord is authorized or required to do thereunder.

"Any compensation payable under this act by the Duke of Cornwall, or other the personage aforesaid, in respect of an improvement of the first class, shall be deemed to be payable in respect of an improvement of land within section eight of 'The Duchy of Cornwall Management Act, 1863,' and the amount thereof may be advanced and paid from the money mentioned in that section, subject to the provision therein made for repayment of sums advanced for improvements.

#### *"Ecclesiastical and Charity Lands.*

Sect. 48. "Where lands are assigned or secured as the endowment of a see, the powers by this act conferred on a landlord shall not be exercised by the archbishop or bishop, in respect of those lands, except with the previous approval in writing of the Estates Committee of the Ecclesiastical Commissioners for England.

Landlord, archbishop or bishop.

Sect. 49. "Where a landlord is incumbent of an ecclesiastical benefice, the powers by this act conferred on a landlord shall not be exercised by him in respect of the glebe land or other land belonging to the benefice, except with the previous approval in writing of the Governors of Queen Anne's Bounty (that is, the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy).

Landlord, incumbent of benefice.

"In every such case the Governors of Queen Anne's Bounty may, if they think fit, on behalf of the incumbent, out of any money in their hands, pay to the tenant the amount of compensation due to him under this act; and thereupon they may, instead of the incumbent, obtain from the county court a charge on the holding, in respect thereof, in favour of themselves.

"Every such charge shall be effectual, notwithstanding any change of the incumbent.

"The Governors of Queen Anne's Bounty, before granting their approval in any case under this section, shall give notice of the application for their approval to the patron of the benefice (that is, the person, officer, or authority who, in case the benefice were then vacant, would be entitled to present thereto).

Sect. 50. "The powers by this act conferred on a landlord shall not be exercised by trustees for ecclesiastical or charitable purposes except with the previous approval in writing of the Charity Commissioners for England and Wales.

Landlord, charity trustees, &c.



SUPPLEMENT TO DAVIS' COUNTY COURTS.

*" Notice to quit.*

Sect. 51. " Where a half-year's notice, expiring with a year of tenancy is by law necessary and sufficient for determination of a tenancy from year to year, a year's notice so expiring shall by virtue of this act be necessary and sufficient for the same; but nothing in this section shall extend to a case where the tenant is adjudged bankrupt, or has filed a petition for a composition or arrangement with his creditors.

*" Resumption for Improvements.*

Sect. 52. " Where on a tenancy from year to year a notice to quit is given by the landlord with a view to the use of land for any of the following purposes:—

- The erection of farm labourers' cottages or other houses, with or without gardens;
- The providing of gardens for existing farm labourers' cottages or other houses;
- The allotment for labourers of land for gardens or other purposes;
- The planting of trees;
- The opening or working of any coal, ironstone, limestone, or other mineral, or of a stone quarry, clay, sand, or gravel pit, or the construction of any works or buildings to be used in connexion therewith;

The obtaining of brick earth, gravel, or sand;

The making of a watercourse or reservoir;

The making of any road, tramroad, siding, canal, or basin, or any wharf, pier, or other work connected therewith;

and the notice to quit so states, then it shall, by virtue of this act, be no objection to the notice that it relates to part only of the holding.

" In every such case the provisions of this act respecting compensation shall apply as on determination of a tenancy in respect of an entire holding.

" The tenant shall also be entitled to a proportionate reduction of rent in respect of the land comprised in the notice to quit, and in respect of any depreciation of the value to him of the residue of the holding, caused by the withdrawal of that land from the holding or by the use to be made thereof; and the amount of that reduction shall be ascertained by agreement or settled by a reference under this act, as in case of compensation (but without appeal).

" The tenant shall further be entitled, at any time within twenty-eight days after service of the notice to quit, to serve on the landlord a notice in writing to the effect that he (the tenant) accepts the same as a notice to quit the entire holding, to take effect at the expiration of the then current year of tenancy; and the notice to quit shall have effect accordingly.

*" Fixtures.*

Sect. 53. " Where after the commencement of this act a tenant affixes to his holding any engine, machinery, or other fixture for which he is not under this act or otherwise entitled to compensation, and which is not so affixed in pursuance of some obligation in that behalf or instead of some fixture belonging to the landlord, then such fixture shall be the property of and be removable by the tenant:

Provided as follows:—

1. Before the removal of any fixture the tenant shall pay all rent

owing by him, and shall perform or satisfy all other his obligations to the landlord in respect of the holding :

2. In the removal of any fixture the tenant shall not do any avoidable damage to any building or other part of the holding :
3. Immediately after the removal of any fixture the tenant shall make good all damage occasioned to any building or other part of the holding by the removal :
4. The tenant shall not remove any fixture without giving one month's previous notice in writing to the landlord of the intention of the tenant to remove it :
5. At any time before the expiration of the notice of removal, the landlord, by notice in writing given by him to the tenant, may elect to purchase any fixture comprised in the notice of removal, and any fixture thus elected to be purchased shall be left by the tenant, and shall become the property of the landlord, who shall pay the tenant the fair value thereof to an incoming tenant of the holding ; and any difference as to the value shall be settled by a reference under this act, as in case of compensation (but without appeal) :

But nothing in this section shall apply to a steam engine erected by the tenant if, before erecting it, the tenant has not given to the landlord notice in writing of his intention to do so, or if the landlord, by notice in writing given to the tenant, has objected to the erection thereof.

#### *"General Application of Act."*

Sect. 54. "Nothing in this act shall prevent a landlord and tenant, or intending landlord and tenant, from entering into and carrying into effect any such agreement as they think fit, or shall interfere with the operation thereof."

No restriction on contract.

Sect. 55. "A landlord and tenant, whether the landlord is absolute owner of the holding for his own benefit or not, may, in any agreement in writing relating to the holding, adopt by reference any of the provisions of this act respecting procedure or any other matter, without adopting all the provisions of this act; and any provision so adopted shall have effect in connexion with the agreement accordingly."

Adoption of parts of act by agreement.

"But where, at the time of the making of the agreement, the landlord is not absolute owner of the holding for his own benefit, no charge shall be made on the holding, under this act, by virtue of the agreement, greater than or different in nature or duration from the charge which might have been made thereon, under this act, in the absence of the agreement."

Sect. 56. "This act shall apply to every contract of tenancy beginning after the commencement of this act, unless, in any case, the landlord and tenant agree in writing, in the contract of tenancy, or otherwise, that this act, or any part or provision of this act, shall not apply to the contract; and, in that case, this act, or the part or provision thereof to which that agreement refers (as the case may be), shall not apply to the contract."

Application of act to future tenancies.

Sect. 57. "In any case of a contract of tenancy from year to year or at will, current at the commencement of this act, this act shall not apply to the contract, if within two months after the commencement of this act the landlord or the tenant gives notice in writing to the other to the effect that he (the person giving the notice) desires that the existing contract of tenancy between them shall remain unaffected by

Application of act to existing tenancies.

this act; but such a notice shall be revocable by writing; and in the absence of any such notice, or on revocation of every such notice, this act shall apply to the contract.

"In every other case of a contract of tenancy current at the commencement of this act, this act shall not apply to the contract.

Exception of  
non-agri-  
cultural and  
small hold-  
ings.

Exception  
where other  
compensation.

General  
saving of  
rights.

Sect. 58. "Nothing in this act shall apply to a holding that is not either wholly agricultural or wholly pastoral, or in part agricultural and as to the residue pastoral, or that is of less extent than two acres.

Sect. 59. "A tenant shall not be entitled to claim compensation under this act and under any custom of the country or contract in respect of the same work or thing.

Sect. 60. "Except as in this act expressed, nothing in this act shall take away, abridge, or prejudicially affect any power, right, or remedy of a landlord, tenant, or other person, vested in or exerciseable by him by virtue of any other act or law, or under any custom of the country, or otherwise, in respect of a contract of tenancy or other contract, or of any improvement, waste, emblements, tillages, away-going crops, fixtures, tax, rate, tithe rent-charge, rent, or other thing."

The special rules of procedure are contained in the Consolidated County Court Orders and Rules, 1875, in relation to proceedings under the above act (see Order XXXIV., *post*, p. 140); except so far as that order otherwise provides, the general rules of procedure are applied to this act. (See Order XXXVIII., *post*, p. 148.)

## THE COPYRIGHT OF DESIGNS ACT, 1875.

(38 & 39 VICT. c. 93.)

This act, which takes effect from 1st January, 1876, amends the Copyright of Designs Act, under which proceedings for infringement of designs may be instituted in the county courts, as mentioned *ante*, Vol. 1, pp. 53, 160, 161.

THE  
COUNTY COURT RULES, 1875,  
With Forms,  
AND  
SCALES OF COSTS AND FEES.

.

---

**NOTE.**—*With the exception of some authorized corrections, the rules and forms are given precisely as issued officially. There are some misprints and errors, and references left in blanks; but as they cannot mislead, it is considered better not to interfere with the authorized issue.*

---

.

## CONTENTS.

---

	PAGE
Short title and interpretation .. .. .	81
<b>ORDER I.—COURT AND OFFICES.</b>	
1. Sittings of court, 9 & 10 Vict. c. 95, s. 56 .. .. .	82
2. No two courts to be held on same day .. .. .	82
3. On what day registrar to keep county court office open .. .. .	82
4. County court office may be closed by order .. .. .	83
<b>ORDER II.—OFFICERS.</b>	
<i>Registrar.</i>	
1. Deputy registrars, 9 & 10 Vict. c. 95, s. 26 .. .. .	83
2. Registrar to keep books, 9 & 10 Vict. c. 95, s. 27 .. .. .	83
3. Documents to be distinguished by the number of the plaint and letters .. .. .	83
4. Registrar to issue all processes .. .. .	83
5. Service of summonses in foreign district .. .. .	83
6. Doubtful service in foreign district .. .. .	83
7. Particulars to be annexed to summonses .. .. .	84
8. Payment into court .. .. .	84
9. Searches, 19 & 20 Vict. c. 103, s. 45 .. .. .	84
10. Acknowledgment of payments and deposits .. .. .	84
11. Court books to be produced to treasurer .. .. .	84
12. No officer to act as agent to parties .. .. .	84
13. Notice of rejection of imperfect affidavits or documents .. .. .	84
14. Where legacy or succession duty payable, it must be paid before execution of decree .. .. .	84
15. Custody of securities, 30 & 31 Vict. c. 412, s. 24 .. .. .	84
<i>High Bailiff.</i>	
16. Absence of high bailiff at court .. .. .	84
17. High bailiff to keep books .. .. .	85
18. Attendance at office .. .. .	85
19. Keeping open an office .. .. .	85
20. Service of process .. .. .	85
21. Indorsement of service on copy of summonses .. .. .	85
22. Notice of non-service to be given .. .. .	85
23. Notice of doubtful service to be given .. .. .	85
24. Service by foreign bailiff .. .. .	85
25. Where return of service to home court is not made, foreign bailiff may be ordered to pay costs .. .. .	85
26. High bailiff to deliver list of ordinary summonses served, 9 & 10 Vict. c. 95, s. 33 .. .. .	86
27. Notice of service or non-service of default summonses .. .. .	86
28. Order book .. .. .	86
29. Warrants to be served. Entries in warrant book, 9 & 10 Vict. c. 95, ss. 33 and 94 .. .. .	86
30. Moneys to be paid in within 24 hours .. .. .	86

	PAGE
31. Non-execution of warrant in foreign district, 9 & 10 Vict. c. 95, ss. 33 and 104 .. .. .	86
32. As to sale of personal property .. .. .	87
33. Possession .. .. .	87
34. Where possession taken until security given .. .. .	87

## ORDER III.—RECEIVER.

1. Receiver .. .. .	87
2. Audit of receiver's accounts .. .. .	87
3. Receiver to produce vouchers .. .. .	87
4. Accounts to be audited .. .. .	87
5. Interval between audits .. .. .	88
6. Attendance of party not required at audit .. .. .	88
7. Court may direct receiver to pay party moneys received .. .. .	88

## ORDER IV.—COMMENCEMENT OF ACTION.

1. Actions to be commenced by plaintiff .. .. .	88
2. Security for costs .. .. .	88
3. Names, description, and address of plaintiff and defendant to be given on entry of plaint .. .. .	88
4. Where plaint is entered by leave, defendant's residence need not be given, but summons must be served personally .. .. .	88
5. Summons under 88 & 89 Vict. c. 50, s. 1, not to issue in certain cases .. .. .	89
6. Default summons may be served by solicitor .. .. .	89
7. Copy of default summons and affidavit to be delivered to registrar .. .. .	89
8. Practice where plaintiff does not require payment forthwith .. .. .	89
9. Infant suing .. .. .	89
10. Married woman suing .. .. .	89

## ORDER V.—PARTIES.

1. All persons may be joined as plaintiffs in whom any right exists jointly, severally, or in the alternative .. .. .	90
2. All persons may similarly be joined as defendants .. .. .	90
3. All persons so joined need not be interested in all the relief prayed for .. .. .	90
4. Persons may be joined as parties who are liable under any one contract .. .. .	90
5. Where plaintiff in doubt as to whom he is entitled to redress .. .. .	90
6. Trustees, executors, and others may sue or be sued without joining parties beneficially interested .. .. .	90
7. Married women and infants .. .. .	90
8. Where parties numerous, one or more may sue or be sued or defend for the benefit of all .. .. .	90
9. Co-partners may sue and be sued in the name of their firm (and see Order XI. r. 9). Proviso as to judgment against members of firm .. .. .	90
10. Parties in action to recover land, 30 & 31 Vict. c. 142 .. .. .	91
11. Provisions of sect. 42 of 15 & 16 Vict. c. 86, in force .. .. .	91

## ORDER VI.—JOINDER OF CAUSES OF ACTION.

1. What claims may be joined with action for recovery of land .. .. .	92
2. Joinder of claims by trustee in bankruptcy .. .. .	92
3. Joinder of causes of action generally .. .. .	92
4. Claims by husband and wife .. .. .	92
5. Claims by executor or administrator .. .. .	92
6. Joint and separate claims by plaintiffs .. .. .	92
7. Separate trials may be ordered .. .. .	92
8. Actions by and against lunatics and persons of unsound mind .. .. .	92

	PAGE
<b>ORDER VII.—PARTICULARS AND STATEMENT OF CLAIM.</b>	
1. Particulars in cases above 40s. to be filed .. .. .	93
2. Particulars in cases of account .. .. .	93
3. Particulars where assignee suing .. .. .	93
4. Entry of plaint by a solicitor .. .. .	93
5. Particulars in action under 30 & 31 Vict. c. 142, s. 11 .. .. .	93
6. Particulars in actions under 30 & 31 Vict. c. 142, s. 12 .. .. .	93
7. Particulars where more than one cause of action .. .. .	93
8. Notice of further particulars may be given. Practice where such notice is given .. .. .	93
9. Fraction of a penny .. .. .	94

**ORDER VIII.—PLAINT NOTE AND SUMMONS.**

1. <i>Plaint note</i> , 9 & 10 Vict. c. 95, s. 59 .. .. .	94
---	----

*Summons on Plaint.*

2. <i>Date of summons</i> , 9 & 10 Vict. c. 95, s. 59 .. .. .	94
3. Where issued by leave of judge or registrar .. .. .	94
4. Particulars to be deemed part of summons .. .. .	94

*Ordinary Summons and Service.*

5. <i>Ordinary summons</i> when returnable .. .. .	94
6. <i>Successive summonses</i> .. .. .	94
7. <i>Delivery and service of summons</i> in action under 30 & 31 Vict. c. 142, s. 11 .. .. .	95
8. When ordinary summons is to be delivered for service, 9 & 10 Vict. c. 95, s. 59. <i>Time of service</i> .. .. .	95
9. <i>Mode of service</i> .. .. .	95
10. <i>Service on infant</i> .. .. .	95
11. <i>Service on a lunatic</i> .. .. .	95
12. <i>Service on partners</i> .. .. .	96
13. <i>Service where defendant on board ship</i> .. .. .	96
14. <i>Service on a soldier</i> .. .. .	96
15. <i>Service on a prisoner</i> .. .. .	96
16. <i>Service on a miner</i> .. .. .	96
17. <i>Service where defendant employed in a public asylum or prison</i> .. .. .	96
18. <i>Service on a corporation</i> .. .. .	96
19. Where defendant keeps his house closed .. .. .	96
20. <i>Service in case of vacant possession</i> .. .. .	96
21. <i>Service where violence threatened</i> .. .. .	96
22. Where service has not been personal .. .. .	96
23. <i>Service of summons in pursuance of statute</i> .. .. .	97
24. Where summons has come to the knowledge of defendant less than ten days before return-day .. .. .	97
25. Where summons issues under sect. 18 of 19 & 20 Vict. c. 108 .. .. .	97
26. <i>Service of summonses other than on entry of plaint</i> .. .. .	97

*Default Summonses and Service.*

27. <i>Service of default summonses</i> .. .. .	97
28. <i>Default summons</i> may be served in any district .. .. .	97
29. When default summons may be struck out .. .. .	97
30. Where husband and wife are joined .. .. .	97
31. <i>Limitation of time for signing judgment of default summons</i> .. .. .	97
32. Where either party dies after service of summons to save statute .. .. .	97
33. <i>Substituted service of summons</i> under 18 & 19 Vict. c. 67 .. .. .	98



	PAGE
<b>ORDER IX.—SPECIAL DEFENCES.</b>	
1. Where plaintiff sues on behalf of others .. .. .	98
2. Where defendant desires to defend on behalf of others .. .. .	98
3. In actions under 30 & 31 Vict. c. 142, s. 11, any person not named as a defendant may, by leave, appear .. .. .	98
4. In actions under 30 & 31 Vict. c. 142, s. 11, defendant may give notice that he will limit his defence to part of the property .. .. .	99
5. Objection to jurisdiction of court, 19 & 20 Vict. c. 108, s. 39 .. .. .	99
6. Where one of several persons jointly answerable is sued, 9 & 10 Vict. c. 95, s. 68 .. .. .	99
7. Notice to be given of special defences .. .. .	99
8. Set-off .. .. .	99
9. Infancy, 9 & 10 Vict. c. 95, s. 68 .. .. .	99
10. Coverture, 9 & 10 Vict. c. 95, s. 76 .. .. .	99
11. Statute of limitations, 9 & 10 Vict. c. 95, s. 76 .. .. .	99
12. Bankruptcy, 9 & 10 Vict. c. 95, s. 76 .. .. .	99
13. Defence that libel or slander is true, 30 & 31 Vict. c. 142, s. 10 .. .. .	99
14. Statutory defence .. .. .	100
15. Equitable relief .. .. .	100
16. Tender .. .. .	100

#### ORDER X.—COUNTER-CLAIM AND OTHER CLAIMS BY DEFENDANT.

1. Notice of counter-claim or claim to contribution, indemnity, &c. to be given .. .. .	100
2. A person not a party served under last rule may apply to judge for directions as to conduct of action .. .. .	100
3. Where a counter-claim made any party may apply to judge for dis- allowance .. .. .	100
4. Where a counter-claim registrar may postpone trial .. .. .	100

#### ORDER XI.—INTERLOCUTORY AND INTERIM ORDERS AND PROCEEDINGS.

1. Mode of application for interlocutory or interim order .. .. .	101
2. Where specific property other than land is sought to be recovered .. .. .	101
3. Draft orders to be prepared by registrars .. .. .	101
4. Registrar to draw up orders in conformity with draft settled by judge .. .. .	101
5. Deposit may be ordered where defendant resides twenty miles from court .. .. .	101
6. Order may authorize entry upon lands for the purpose of executing order .. .. .	102
7. Registrar to take deposition of person ordered to weigh, inspect, &c. .. .. .	102
8. Receiver may be appointed though not asked for .. .. .	102
9. Application for names of firm in an action by a firm .. .. .	102

#### ORDER XII.—DISCONTINUANCE, DISCLAIMER, ADMISSION, AND PAYMENT INTO COURT.

1. Discontinuance of action .. .. .	102
2. Disclaimer, admission, and other statements by defendant .. .. .	102
3. Admission of truth of plaintiff's statement .. .. .	103
4. Payment into court before judgment, how made, 9 & 10 Vict. c. 96, s. 82 .. .. .	103
5. Acceptance of amount paid in as satisfaction of claim, 9 & 10 Vict. c. 96, s. 82 .. .. .	103
6. Where amount admitted includes amount of a set-off .. .. .	103
7. Payment in an action of libel .. .. .	103
8. In certain cases money paid in to be retained .. .. .	104

## PAGE

## ORDER XIII.—DISCOVERY, INSPECTION, AND ADMISSION.

1. Production of documents .. .. .	104
2. Answer to order to produce .. .. .	104
3. Further order after answer received .. .. .	104
4. Order shall state time, &c. of production .. .. .	104
5. Inspection of documents .. .. .	103
6. Interrogatories .. .. .	105
7. Objection to interrogatories .. .. .	105
8. Successful objection .. .. .	105
9. Admission of documents .. .. .	105

## ORDER XIV.—EVIDENCE.

1. Witnesses .. .. .	106
2. Time of service .. .. .	106
3. Evidence may be taken <i>exd roco</i> .. .. .	106
4. Where the documents are not produced, order for production may be made .. .. .	106
5. Documents produced from proper custody to be read without proof unless objected to .. .. .	106
6. Where it is desired to use an affidavit, notice may be given .. .. .	106
7. Registrar to transcribe answers in examination under rules, 17 & 18 Vict. c. 125, s. 53 .. .. .	106
8. Examination of witness out of jurisdiction of court .. .. .	106
9. Examination of a witness <i>de bene esse</i> .. .. .	107
10. Affidavits, evidence of person using them .. .. .	107

## ORDER XV.—CHANGE OF PARTIES.

1. Notice to be given to defendant of change of plaintiff's title .. .. .	107
2. Notice to plaintiff of change in defendant's title .. .. .	107
3. Alteration of records on change of parties .. .. .	107
4. Abatement .. .. .	107
5. How execution may be issued by a person not a party .. .. .	107
6. Death of party after judgment .. .. .	107
7. How execution against a person not a party may be obtained .. .. .	107
8. Representatives of deceased judgment-debtor may be sued .. .. .	108

## ORDER XVI.—TRIAL.

1. Notice of demand of a jury .. .. .	108
2. Adjournment in order to try by jury .. .. .	108
3. Certain additional actions and cases may be tried by jury .. .. .	108
4. Number of jurymen .. .. .	108
5. Where plaintiff does not appear .. .. .	108
6. Where neither plaintiff nor defendant appear in cases under sect. 1 of 38 & 39 Vict. c. 50, and 18 & 19 Vict. c. 67 .. .. .	108
7. Solicitors to sign a roll .. .. .	108
8. No notice of employment of counsel or solicitor required .. .. .	108
9. Appointment of guardian <i>ad litem</i> to infant defendant .. .. .	108
10. Action pending in another court for same cause .. .. .	109
11. General jurisdiction of court on trial of action .. .. .	109
12. Absent parties may be added on hearing, 15 & 16 Vict. c. 86, s. 42 .. .. .	109
13. Counter or other claim may be tried by an independent action .. .. .	109
14. When a person brought in does not appear at trial .. .. .	109
15. Separate judgments against defendants where more than one .. .. .	109
16. Judgment may be given for balance found due to defendant .. .. .	109
17. Effect of nonsuit .. .. .	109
18. Action against officer of court .. .. .	109

## ORDER XVII.—AMENDMENT.

	PAGE
1. Change of plaintiff .. .. .	109
2. Where to persons made plaintiffs .. .. .	110
3. Change of defendant .. .. .	110
4. Where party wrongly sued in a representative character .. .. .	110
5. Where party ought to have been sued in a representative character .. .. .	110
6. Amendment of name or description of plaintiff .. .. .	110
7. Amendment of name or description of defendant .. .. .	110
8. Improper joinder or omission of husband or wife in action against a husband .. .. .	111
9. Where too many persons made plaintiffs .. .. .	111
10. Where too many persons made defendants .. .. .	111
11. Where all defendants have not been served .. .. .	111
12. Action not to be defeated by misjoinder of parties .. .. .	111
13. Application to add or strike out parties .. .. .	111

## ORDER XVIII.—JUDGMENTS AND ORDERS.

1. Entry of judgments .. .. .	111
2. Orders for payment of money or adjournments may be served by post .. .. .	112
3. No order of judgment by default .. .. .	112
4. Purposes for which certificate of a judgment required to be stated .. .. .	112
5. Certain orders need not be drawn up .. .. .	112
6. Form of order for payment, 19 & 20 Vict. c. 108, s. 45 .. .. .	112
7. Notice of payments into court .. .. .	112
8. Judgments under sect. 11 of 30 & 31 Vict. c. 142 .. .. .	112
9. Execution on judgments under 30 & 31 Vict. c. 142, s. 11 .. .. .	112
10. Separate warrants for possession and costs in judgments under 30 & 31 Vict. c. 142, s. 11 .. .. .	112
11. Executions for costs against plaintiff in action under 30 & 31 Vict. c. 142, s. 11 .. .. .	113
12. Injunction in action involving title to easement .. .. .	113
13. Where order directs a deed to be prepared .. .. .	113
14. Sale of real property .. .. .	113
15. Sale of personal property .. .. .	113
16. Accounts, how to be taken .. .. .	113
17. Registrar to appoint time and place for inquiries and taking accounts .. .. .	113
18. Hearing before registrar .. .. .	114
19. Books of accounts to be taken as <i>prima facie</i> evidence of truth of matters therein .. .. .	114
20. Advertisements for creditors in administration .. .. .	114
21. Creditors need not prove unless required .. .. .	114
22. Creditors holding security to produce same .. .. .	114
23. Pedigree, if required, to be produced .. .. .	114
24. Creditor refusing to have no costs .. .. .	114
25. Allowance of debts or claims .. .. .	114
26. Notice of allowance or non-allowance of claim .. .. .	114
27. Claim may be sent in before adjudication .. .. .	115
28. Where claim sent in after time fixed .. .. .	115
29. Just allowances .. .. .	115
30. Registrar's certificate .. .. .	115
31. Registrar's certificate to lie in office .. .. .	115
32. Variation of registrar's certificate .. .. .	115
33. Confirmation of certificate .. .. .	115
34. Application to judge for further directions .. .. .	115
35. Absent parties .. .. .	115
36. Notices to absent parties .. .. .	115
37. Absent parties may apply for variation of order .. .. .	115
38. Order upon any question between defendant and other person not being plaintiff .. .. .	116

## ORDER XIX.—ENFORCEMENT OF JUDGMENTS AND ORDERS.

1. Enforcement of order for payment of money .. .. 116

*Warrants of Execution against the Goods.*

2. Date of warrants of execution .. .. 116  
 3. Where default made, execution may issue, 19 & 20 Vict. c. 108, s. 48 116  
 4. Indorsement on warrant .. .. 116  
 5. Concurrent warrants .. .. 116

*Judgment-Summons.*

6. Judgment-summons to be served personally .. .. 116  
 7. Where judgment-summons may issue, 19 & 20 Vict. c. 108, s. 48 .. 116  
 8. Where judgment-summons applied for in court in which judgment was not obtained .. .. 117  
 9. Where judgment-summons required on a judgment of a court other than a county court .. .. 117  
 10. Form of judgment-summons .. .. 117  
 11. Where judgment-debtor about to remove .. .. 117  
 12. Judgment-summons may issue without leave of court, except in certain cases .. .. 117  
 13. Successive judgment-summons .. .. 117  
 14. Adjournment .. .. 117  
 15. Witness may be summoned .. .. 117  
 16. On issue of judgment-summons, where warrant of execution has been issued, it shall be returned into court .. .. 118  
 17. Where order of one court altered by another court, proceedings to be continued in latter .. .. 118  
 18. Minute that a certificate has been given to be made .. .. 118  
 19. Bankrupt not to be committed .. .. 118  
 20. No commitment when adjudication takes place after order of commitment .. .. 118  
 21. Discharge of bankrupt judgment-debtor .. .. 118  
 22. Form of order of commitment .. .. 118  
 23. Payment on arrest .. .. 118  
 24. Payment in prison, 9 & 10 Vict. c. 95 .. .. 118  
 25. Form of certificate of payment .. .. 119  
 26. Costs on default of appearance of a judgment creditor .. .. 119  
 27. Costs of enforcing a judgment, 32 & 33 Vict. c. 62, s. 5 .. .. 119

*Process other than Execution or Judgment-Summons.*

28. Service of order mentioned in the three next following rules shall not be enforced until three days after order made .. .. 119  
 29. Warrant of possession .. .. 119  
 30. Breach of an injunction .. .. 119  
 31. Process of contempt in certain cases .. .. 119

*Proceedings on Judgment after Six Years.*

32. No proceedings to be taken on a judgment after six years without leave of court .. .. 120  
 33. Judgment by married woman sued as a *feme sole*, how enforced .. 120

## ORDER XX.—ACTIONS REMITTED FROM OR TRANSFERRED TO THE HIGH COURT OF JUSTICE.

1. Remittance of actions from High Court of Justice .. .. 120  
 2. Defendant may proceed as if action originally brought in county court 120  
 3. Order to be filed .. .. 120  
 4. Special notice in action for libel or slander .. .. 120

	PAGE
5. Transfer of action to High Court of Justice by order during progress of action under 28 & 29 Vict. c. 99, s. 9 .. .. .	121
6. Transfer to High Court of Justice under sect. 9 of 28 & 29 Vict. c. 99, where upon taking of accounts amount of jurisdiction of county court is found to be exceeded .. .. .	121
7. Transfer of proceedings to High Court under sect. 90 of Judicature Act, 1873, or 28 & 29 Vict. c. 99, s. 3 .. .. .	121

## ORDER XXI.—INTERPLEADER.

1. Proceedings generally .. .. .	121
2. Claimant to lodge particulars and grounds of claim .. .. .	122
3. Claim or damage .. .. .	122
4. Claim of damages against high bailiffs .. .. .	122
5. Payment into court of damages claimed under 30 & 31 Vict. c. 142..	122
6. Interpleader summons .. .. .	122
7. Whence issued .. .. .	122
8. Costs where decision against claimant .. .. .	122
9. Where assignor disputes an assignment .. .. .	122
10. Defendant in an action by assignee may pay money into court ..	123

## ORDER XXII.—REPLEVIN.

1. No other cause to be joined .. .. .	123
2. Particulars .. .. .	123
3. Rent in arrear or damage feasant, 9 & 10 Vict. c. 95 .. .. .	123
4. Where defendant succeeds in action where distress is for rent ..	123
5. Where defendant entitled to a return in damage feasant .. .. .	123
6. In other cases .. .. .	124

## ORDER XXIII.—ARBITRATION.

1. Practice in, 9 & 10 Vict. c. 95, s. 77 .. .. .	124
---	-----

## ORDER XXIV.—ATTACHMENT OF DEBTS.

1. Where plaintiff desires defendant to be examined at the trial as to the debts due to him he must give notice .. .. .	124
2. Examination of defendant as to debts owing to him. Order thereupon	124
3. Proceedings against garnishee, 30 & 31 Vict. c. 142, s. 1 .. .. .	124
4. Service of garnishee summons .. .. .	125
5. No costs where garnishee pays .. .. .	125
6. Order on trial .. .. .	125
7. Certificate of order and payment to be sent .. .. .	125

## ORDER XXV.—PROCEEDINGS BY AND AGAINST EXECUTORS AND ADMINISTRATORS.

1. Costs where plaintiff fails .. .. .	125
2. Costs on non-appearance of either party .. .. .	125
3. Devastavit .. .. .	125
4. Judgment where devastavit charged .. .. .	125
5. Judgment where representation admitted .. .. .	125
6. Judgment where representation admitted and administration alleged	126
7. Judgment in like case where administration not proved .. .. .	126
8. Judgment in like case where administration proved .. .. .	126
9. Judgment where administration not proved and no other defence established .. .. .	126
10. Judgment on assets quando acciderint .. .. .	126
11. Judgment on defendant's admission .. .. .	126
12. Judgment in other cases .. .. .	126

**ORDER XXVI.—TRANSMISSION OF PROCESS AND PROCEEDS OF WARRANTS TO AND FROM FOREIGN DISTRICTS.**

	PAGE
1. Entry of warrants to be executed in a foreign district.. ..	127
2. Accounting for and transmission of proceeds levied in foreign district	127
3. Certificate of money paid into court .. ..	127

**ORDER XXVII.—FUNDS (COUNTY COURTS ACT, 1865).**

1. Payment into county courts, 28 & 29 Vict. c. 99 .. ..	127
2. Entry of payments .. ..	128
3. Post-office savings book to be transmitted .. ..	128
4. Mode of withdrawing moneys from post-office savings bank ..	128
5. Interest to be apportioned.. ..	128
6. Order for payment of money under sect. 5 of 28 & 29 Vict. c. 99	128
7. Warrant of execution on default under last section .. ..	128
8. Examination of married woman interested in fund .. ..	128

**ORDER XXVIII.—NEW TRIAL.**

1. Application for new trial .. ..	128
2. New trial may be had before a jury .. ..	129
3. Application to set aside nonsuit .. ..	129

**ORDER XXIX.—APPEAL BY SPECIAL CASE.**

1. Notice of appeal .. ..	129
2. Time for notice .. ..	129
3. Form of notice .. ..	129
4. Notice not a stay of execution .. ..	130
5. Case to be presented to judge .. ..	130
6. Where parties do not agree, judge to settle case .. ..	130
7. Copy of case to be deposited with registrar .. ..	130
8. Case to be transmitted to High Court .. ..	130
9. Judgment of Court of Appeal to be deposited .. ..	130
10. New trial .. ..	130
11. Proceedings on judgment of Court of Appeal .. ..	131

*Appeals by Motion.*

12. Appeals, 38 & 39 Vict. c. 50 .. ..	131
--	-----

**ORDER XXX.—SECURITY.**

1. Security by bond .. ..	131
2. Affidavit of sufficiency .. ..	131
3. Execution of bond .. ..	131
4. Deposit in lieu of bond .. ..	131
5. Bond to be deposited .. ..	131
6. Officers not to be surety .. ..	131

**ORDER XXXI.—PROCEEDINGS UNDER THE TRUSTEES RELIEF ACT, TRUSTEE ACTS, AND MAINTENANCE AND ADVANCEMENT OF INFANTS.**

1. 28 & 29 Vict. c. 99, s. 1 (5) & (6). Form of affidavit under sect. 24 of 30 & 31 Vict. c. 142 .. ..	131
2. Form in schedule .. ..	132
3. Memorandum of filing to be indorsed .. ..	132
4. Certificate of filing may be given .. ..	132
5. Money may be paid into post-office savings bank, sect. 24 of 30 & 31 Vict. c. 142 .. ..	132
6. Transfer of stock .. ..	132
7. Deposit of security.. ..	132

	PAGE
8. Notice of deposit of security .. .. .	132
9. Transfer or deposit where no treasurer .. .. .	132
10. Certificate of payment, transfer, or deposit to be given .. .. .	133
11. Entries to be made in equity proceedings book .. .. .	133
12. Petition by person interested in funds in court.. .. .	133
13. Order for service of notice of application on trustee .. .. .	133
14. Trustee may be ordered to pay costs .. .. .	133
15. Proceedings under 28 & 29 Vict. c. 99, s. 1 (5) & (6) to be by petition .. .. .	133
16. Time of filing petitions .. .. .	133
17. Registrar to issue notices of day of hearing of petition .. .. .	133
18. Service of petitions and notices .. .. .	134
19. Facts may be supported by affidavit .. .. .	134
20. Registrar to draw up order .. .. .	134
21. Rules to extend to proceedings under this order .. .. .	134

#### ORDER XXXII.—ASSESSORS (COUNTY COURTS ACT, 1875).

1. Registrar at request of judge to frame a list of assessors .. .. .	134
2. On approval of a list by judge to obtain consent of assessors to act when summoned .. .. .	134
3. List of assessors to be hung up in court and office .. .. .	134
4. Resignation of assessors, how to be made .. .. .	134
5. Name of assessor resigning to be removed from list .. .. .	134
6. Remuneration of assessors .. .. .	134
7. Application to judge to act with assessors .. .. .	134
8. Application to be forwarded to judge, and assessors to be summoned if judge approves .. .. .	134
9. Where opposite party does not accept the assessors proposed.. .. .	135
10. Where the party served does not accept the proposed appointment .. .. .	135
11. Where assessors, or one of them, fail to attend .. .. .	135
12. Payment on application for assessors by party .. .. .	135
13. Assessors' fees on adjournment .. .. .	135

#### ORDER XXXIII.—ADMIRALTY ACTIONS.

##### *Sittings of the Court.*

1. Where action may be tried .. .. .	135
2. Undertaking by solicitor for expenses .. .. .	135
3. Sittings of the Court in Admiralty .. .. .	136

##### *Institution of Action.*

4. Commencement of action .. .. .	136
5. Notice of commencement of action to be given to consul in certain cases .. .. .	136

##### *Summons.*

6. Summons .. .. .	136
7. Service of summons .. .. .	136

##### *Appearance in Admiralty Actions.*

8. Appearance .. .. .	136
9. Contents of præcipe .. .. .	136
10. Person claiming interest may intervene.. .. .	136
11. Appearance on arrest .. .. .	136
12. Notice of day of hearing .. .. .	137

##### *Arrest.*

13. Affidavit to be filed .. .. .	137
14. When nationality of vessel to be stated .. .. .	137

	PAGE
15. When warrant for arrest may issue .. .. .	137
16. When warrant for arrest may be executed .. .. .	137

*Release of Property.*

17. Release on payment into court .. .. .	137
18. Release in salvage action .. .. .	137

*Transfer of Action.*

19. Transmission of proceedings on transfer by High Court .. .. .	137
20. The like on transfer to High Court .. .. .	137

*Second or Cross Action.*

21. Costs in cross action may be refused .. .. .	137
22. First and second actions may be tried together .. .. .	137
23. Proceedings on order against unknown defendant .. .. .	138
24. Proceedings on discovery of unknown defendant .. .. .	138
25. Service of notice on defendant .. .. .	138

*Execution against Vessel.*

26. Proceedings on execution against a vessel .. .. .	138
27. Proceeds of sale to be paid into court .. .. .	138
28. Delivery of property to purchaser .. .. .	138

*Transfer of Sale.*

29. Proceedings on transfer of sale .. .. .	138
30. Application for transfer of proceedings for sale .. .. .	138
31. Application to be transmitted to judge .. .. .	138

*Notice of Defence in Collision.*

32. Notice of defence in actions for damage by collision .. .. .	139
--	-----

*Tenders.*

33. Notice of proposed tender .. .. .	139
34. Notice of acceptance of tender .. .. .	139

*Payment out of Court.*

35. Payment out of court to solicitor .. .. .	139
36. Retainer of monies in court where more than one action .. .. .	139

*Appraisement.*

37. Appraisement .. .. .	139
--------------------------	-----

*Records of the Court.*

38. Inspection of records .. .. .	139
39. Who entitled to inspection during pendency of action .. .. .	139
40. The like on termination of action .. .. .	139

*Copies.*

41. Office copies .. .. .	139
---------------------------	-----

*Assessors.*

42. Payment on application for assessors by party .. .. .	139
43. The like on requirement of judge .. .. .	140
44. Assessors' fees on adjournment .. .. .	140
45. Selection of assessors .. .. .	140
46. Payment to assessors .. .. .	140



ORDER XXXIV.—AGRICULTURAL HOLDINGS (ENGLAND) ACT,  
1875.

	PAGE
1. Interpretation, 38 & 39 Vict. c. 92 .. .. .	140
2. Statement of grounds of appeal to be filed .. .. .	140
3. Copy of statement to be sent to respondent .. .. .	140
4. Respondent to deliver statement in reply .. .. .	141
5. Order .. .. .	141
6. Copies of both statements to be sent to judge .. .. .	141
7. Proceedings in applications for referee or umpire .. .. .	141
8. Appeal to High Court .. .. .	141

ORDER XXXV.—PROCEEDINGS UNDER THE FRIENDLY SOCIETIES ACT,  
1875.

1. Applications to be made by plaintiff, 38 & 39 Vict. c. 60 .. .. .	141
2. Particulars .. .. .	141
3. Where property is required to be delivered up .. .. .	141
4. Reference under sect. 22 to be by plaintiff .. .. .	142
5. Summons .. .. .	142

ORDER XXXVI.—COSTS.

1. Taxation of costs .. .. .	142
2. Taxation of costs under 30 & 31 Vict. c. 142, ss. 7 and 10 .. .. .	142
3. Costs of witnesses .. .. .	142
4. Compensation to seamen .. .. .	142
5. Appropriation of monies paid into court .. .. .	142
6. Costs of warrants .. .. .	142
7. Possession fees, 9 & 10 Vict. c. 95, s. 106 .. .. .	142
8. Appraisement .. .. .	142
9. Taxation of costs under 19 & 20 Vict. c. 108, s. 23 .. .. .	142
10. Costs in action for the recovery of tenements and replevin .. .. .	142
11. Costs in actions where claim exceeds 20 <i>l.</i> .. .. .	143
12. Costs of counter-claim .. .. .	143
13. Costs where plaintiff recovers less than he claims .. .. .	143

ORDER XXXVII.—PRACTICE.

1. Exchange of default summons .. .. .	143
2. Notice of change of solicitor .. .. .	143
3. Copies of documents to be paid for .. .. .	143
4. Folios .. .. .	143
5. Payment out of court by cheque or post-office order .. .. .	143
6. Entry of plaint by letter .. .. .	143
7. Metropolitan courts .. .. .	144
8. Party may act by solicitor or agent .. .. .	144
9. Service on solicitor deemed service on party .. .. .	144
10. Practice on service by solicitor .. .. .	144
11. Notice of interlocutory proceedings may be served by solicitor .. .. .	144
12. Notice in lieu of service .. .. .	144
13. Newspaper advertisements .. .. .	144
14. Advertisements for London Gazette .. .. .	144
15. Conduct of action .. .. .	144
16. Enlargement or abridgment of time .. .. .	144
17. Transfer of actions commenced in different courts .. .. .	144
18. Interest allowed to creditors in actions for administration .. .. .	144
19. Interest on legacies .. .. .	144
20. Discharge of person in custody .. .. .	145

	PAGE
21. Where no forms in schedule .. .. .	145
22. Judge acting for another, 38 & 39 Vict. c. 50, s. 26 .. .. .	145
23. Notice of discontinuance .. .. .	145
24. Confession by defendant in action to recover land .. .. .	145
25. Actions under 19 & 20 Vict. c. 108, ss. 50, 52, not to be brought under 30 & 31 Vict. c. 142, s. 12 .. .. .	145
26. Adjournment of trial .. .. .	145
27. No order of adjournment need be served .. .. .	146
28. Adjournment for non-compliance with rules .. .. .	146
29. Costs on adjournment .. .. .	146
30. Postponement of trial .. .. .	146
31. Filing of documents .. .. .	146
32. Sealing of documents .. .. .	146
33. Form of notice .. .. .	146
34. Computation of periods of twenty-four and forty-eight hours .. .. .	146
35. When process may not be served .. .. .	146
36. Transmission of letters sent by post .. .. .	146
37. Affidavits to be expressed in the first person .. .. .	146
38. Sources of knowledge to be stated .. .. .	146
39. Costs of affidavits when disallowed .. .. .	147
40. Filing of affidavits .. .. .	147
41. Erasure, blotting, interlineation, &c., in affidavits .. .. .	147
42. Service when defendant is out of jurisdiction of county courts .. .. .	147

*Detinue.*

43. Judgment in detinue .. .. .	147
---------------------------------	-----

*Confessions under "The County Courts Act, 1850."*

44. Confessions under 18 & 14 Vict. c. 61, s. 8 .. .. .	147
---	-----

*Consents to Judgment under "The County Courts Act, 1850."*

45. Consents under 18 & 14 Vict. c. 61, s. 9 .. .. .	147
--	-----

*Cases under "The County Courts Act, 1856."*

46. Trials by agreement under 19 & 20 Vict. c. 108, s. 23 .. .. .	147
---	-----

*"Bills of Exchange Act, 1855."*

47. Leave to defend under 18 & 19 Vict. c. 67, s. 2 .. .. .	148
48. Notice of trial to be given .. .. .	148
49. Applications under 18 & 19 Vict. c. 67, s. 2 .. .. .	148

*"Employers and Workmen Act, 1875."*

50. Powers of court in actions between employers and workmen .. .. .	148
--	-----

*Registry of Judgments.*

51. Return of judgments in City of London Court .. .. .	148
52. Note of order in Admiralty and equity to be sent .. .. .	148

*Rules not to be added to.*

53. Rules to be adhered to .. .. .	148
------------------------------------	-----

## ORDER XXXVIII.—APPLICATION OF PRECEDING ORDERS.

Application of rules of procedure .. .. .	148
---	-----

ORDER XXXIX.—THE COMPANIES ACTS, 1862 AND 1867, THE INDUSTRIAL AND PROVIDENT SOCIETIES ACT, 1862, AND THE BUILDING SOCIETIES ACT, 1874.

	PAGE
25 & 26 Vict. cc. 86, 89; 30 & 31 Vict. c. 131, s. 44; 37 & 38 Vict. c. 42, s. 32 .. .. .	149

ORDER XL.

*Proceedings in Acts not referred to in the foregoing Rules.*

Proceedings in acts not referred to in foregoing rules .. .. .	149
--	-----

---

SCHEDULE OF FORMS .. .. .	150
ALLOWANCES TO WITNESSES .. .. .	268
SCALES OF COSTS AND FEES .. .. .	269
TREASURY ORDER REGULATING COURT FEES .. .. .	275

---

## LIST OF RULES AND ORDERS

In force prior to the 2nd November, 1875, with a reference to the  
New Rules respectively substituted for each.

## COMMON LAW RULES.

Rule.	New.		Rule.	New.	
	Order.	Rule.		Order.	Rule.
1	I.	1	39	—	—
2	—	—	40	—	—
3	I.	2	41	IV.	8
4	IV.	9	42	—	—
5	I.	4	43	VII. & VIII.	{ 1
6	—	3	44	—	4
7	II.	2	45	VII.	—
8	—	1	46	VIII.	9
9	—	—	47	—	1
10	II.	4	48	—	2
11	—	5	49	—	5
12	—	7	50	—	3
13	—	—	51	—	6
14	II.	3	52	—	8
15	—	8	53	—	9
16	—	9	54	—	13
17	—	10	55	—	14
18	—	11	56	—	15
19	—	12	57	—	16
20	XXX.	6	58	—	17
21	II.	16	59	—	18
22	—	17	60	—	19
23	—	18	61	—	20
24	—	19	62	—	22
25	—	20	63	—	23
26	—	21	64	—	25
27	—	24	65	—	—
28	—	25	66	—	26
29	—	26	67	XXXVII.	85
30	—	22	68	IX.	5
31	—	23	69	XX.	1
32	—	28	70	—	1
33	—	29	71	—	1
34	—	30	72	—	4
35	—	31	73	XII.	4
36	IV.	2	74	—	5
37	—	1	75	—	7
38	—	3			

Rule.	New.		Rule.	New.	
	Order.	Rule.		Order.	Rule.
76	XIII.	5	127	XVII.	10
77	"	1	128	"	11
78	"	2	129	XXXVI.	11
79	"	3	130	"	3
80	"	6	131	"	2
81	"	7	132	"	3
82	"	8	133	"	5
83	—	—	134	"	6
84	XIV.	7	135	XIX.	27
85	XXXVII.	22	136	"	27
86	"	23	137	"	27
87	—	—	138	XXXVI.	7
88	IX.	7	139	"	8
89	"	8	140	XVIII.	2
90	"	9	141	"	5
91	"	10	142	"	6
92	"	11	143	"	7
93	"	12	144	XIX.	32
94	"	13	145	XXIV.	1
95	"	15	146	"	2
96	"	14	147	"	3
97	"	7	148	"	4
98	"	16	149	"	5
99	—	—	150	"	6
100	XIV.	1	151	XIX.	2
101	"	2	152	"	3
102	"	9	153	"	4
103	"	5	154	"	5
104	XVI.	1	155	—	—
105	"	2	156	XIX.	10
106	"	3	157	"	12
107	"	4	158	"	14
108	XXXVII.	26	159	"	16
109	"	27	160	"	17
110	"	28	161	"	18
111	XVI.	5	162	—	—
112	—	—	163	—	—
113	XVI.	7	164	XIX.	23
114	"	8	165	"	24
115	—	—	166	"	24
116	XVI.	9	167	"	24
117	IX.	6	168	—	—
118	XVI.	10	169	XXVI.	1
119	XVII.	3	170	"	2
120	"	4	171	"	3
121	"	5	172	XXVIII.	1
122	"	6	173	"	2
123	"	7	174	XXI.	1 & 2
124	"	8	175	"	3
125	"	9	176	"	4
126	"	2	177	"	5

Rule.	New.		Rule.	New.	
	Order.	Rule.		Order.	Rule.
178	XXI.	6	229	XII.	2
179	"	7	230	—	—
180	"	8	231	XVI.	3
181	XXX.	1	232	—	—
182	"	2	233	XVIII.	8
183	"	3	234	XVI.	5
184	"	4	235	—	—
185	"	5	236	—	—
186	XXIX.	1	237	—	—
187	"	2	238	—	—
188	"	3	239	—	—
189	"	4	240	—	—
190	"	4	241	XVI.	11
191	—	—	242	"	11
192	XXIX.	5	243	"	11
193	"	8	244	"	11
194	—	—	245	"	11
195	XXIX.	9	246	"	11
196	"	10	247	"	11
197	"	11	248	"	11
198	XV.	4	249	"	11
199	"	6	250	XII.	1
200	XIX.	33	251	"	1
201	XV.	5	252	"	1
202	"	7	253	XXXVII.	24
203	"	8	254	XII.	2
204	XXV.	1	255	XXXVII.	25
205	XXV.	2	256	—	—
206	"	3	257	VII.	6
207	"	4	258	XVI.	3
208	—	—	259	XXII.	1
209	XXV.	5	260	"	2
210	"	6	261	"	3
211	"	7	262	"	4
212	"	8	263	"	5
213	"	9	264	XXXVII.	42
214	"	10	265	"	43
215	"	11	266	"	44
216	"	12	267	"	45
217	XXXVII.	33	268	"	50
218	"	34	269	XXXV.	1
219	"	36	270	"	1
220	VIII.	31	271	VIII.	33
221	"	32	272	XXXVII.	47
222	XXIII.	1	273	"	48
223	IV.	1	274	XVIII.	3
224	VIII.	7	275	"	49
225	"	20	276	XL.	—
226	—	—	277	—	—
227	IX.	4	278	XXXVII.	21
228	"	4	279	—	—

## EQUITY ORDERS AND RULES.

OLD RULES.		NEW RULES.		OLD RULES.		NEW RULES.	
Rule.	Order.	Order.	Rule.	Rule.	Order.	Order.	Rule.
1	I.	IV.	1	11	VI.	XVIII.	27
2	"	"	3	12	"	"	28
3	"	VII.	1	13	"	"	29
4	"	"	4	14	"	"	34
5	"	"	—	1	VII.	"	35
6	"	VII.	1	2	"	"	36
7	"	IV.	1	3	"	"	37
8	"	"	1	1	VIII.	"	30
9	"	VIII.	8	2	"	"	31
10	"	XXXVII.	42	3	"	"	32
1	II.	XII.	3	4	"	"	33
2	"	"	3	1	IX.	—	—
3	"	"	2	1	X.	XV.	1 & 2
4	"	"	2	2	"	"	1 & 2
5	"	"	2	3	"	"	1 & 2
6	"	XXXVII.	23	1	XI.	XXXI.	15
1	III.	XIV.	3	2	"	"	16
2	"	XIII.	9	3	"	V.	6
3	"	"	5	4	"	XI.	1
4	"	XIV.	1	5	"	XXXI.	1
5	"	"	4	6	"	"	2
6	"	"	5	7	"	"	3
7	"	"	6	8	"	"	4
8	"	"	9	9	"	"	5
9	"	"	8	10	"	"	6
10	"	"	8	11	"	"	7
11	"	XXXVI.	3	12	"	"	8
1	IV.	—	—	13	"	"	9
2	"	—	—	14	"	"	10
3	"	XIV.	10	15	"	"	11
4	"	—	—	16	"	"	12
5	"	—	—	17	"	"	13
6	"	—	—	18	"	"	14
1	V.	XVIII.	1	19	"	"	16
2	"	"	13	20	"	"	17
3	"	—	—	21	"	"	18
4	"	XVIII.	14	22	"	"	19
5	"	"	15	23	"	"	20
6	"	"	16	24	"	"	21
1	VI.	"	13	1	XII.	XI.	1
2	"	"	16	2	"	"	3
3	"	"	19	3	"	"	4
4	"	"	20	1	XIII.	—	—
5	"	"	21	1	XIV.	XXXVII.	37
6	"	"	22	2	"	"	38
7	"	"	23	3	"	"	39
8	"	"	24	4	"	"	40
9	"	"	25	5	"	"	41
10	"	"	26	1	XV.	XXVIII.	1

OLD RULES.		NEW RULES.		OLD RULES.		NEW RULES.	
Rule.	Order.	Order.	Rule.	Rule.	Order.	Order.	Rule.
1	XVI.	XIX.	28	1	XXI.	II.	32
2	"	"	—	2	"	—	—
3	"	"	1	3	"	II.	34
4	"	"	29	4	"	"	30
5	"	XI.	4	1	XXII.	III.	1
6	"	XIX.	30	2	"	"	2
7	"	"	31	3	"	"	3
1	XVII.	"	—	4	"	"	4
2	"	XXVII.	1	5	"	"	5
3	"	"	2	6	"	"	6
4	"	"	3	7	"	"	7
5	"	"	4	1	XXIII.	—	—
6	"	"	5	2	"	XXXVII.	32
7	"	"	6	3	"	—	—
8	"	"	7	4	"	XXXVII.	2
9	"	"	8	5	"	VIII.	5
1	XVIII.	XX.	5	6	"	—	—
2	"	"	1	7	"	—	—
3	"	"	3	8	"	XXXVII.	31
4	"	—	—	9	"	—	—
1	XIX.	XXIX.	1	10	"	XXXVII.	3
2	"	"	3	11	"	"	8
3	"	"	4	12	"	"	9
4	"	"	5	13	"	"	11
5	"	"	6	14	"	"	12
6	"	"	7	15	"	"	13
7	"	"	8	16	"	"	14
8	"	—	—	17	"	"	15
9	"	—	9	18	"	"	16
10	"	—	—	19	"	V.	7
1	XX.	—	—	20	"	XXXVII.	17
2	"	II.	3	21	"	XXXVI.	1
3	"	—	13	22	"	XXXVII.	18
4	"	XXXVII.	32	23	"	"	19
5	"	XVIII.	17	24	"	"	51
6	"	"	18	25	"	"	20
7	"	—	—	26	"	"	21
8	"	—	—	27	"	—	—
9	"	II.	15	28	"	"	—
10	"	"	14				

COMPANIES ACT, 1867, &amp;c.

See Order XXXIX.



## SUPPLEMENT TO DAVIS' COUNTY COURTS.

## DEBTORS ACT, 1869.

*January, 1870.*

Rule.	New.		Rule.	New.	
	Order.	Rule.		Order.	Rule.
1	XIX.	6	14	XIX.	17
2	"	7	15	"	18
3	"	—	16	"	22
4	XIX.	8	17	"	23
5	"	9	18	"	24
6	"	—	19	"	25
7	XIX.	10	20	"	—
8	"	11	21	XIX.	27
9	"	12	22	"	"
10	"	13	23	"	"
11	"	14	24	"	20
12	"	15	25	—	—
13	"	16			

*May, 1870.*

1	—	—	5	XIX.	19
2	—	—	6	"	20
3	XXXVII.	7	7	"	21
4	XIX.	27	8	—	—

COUNTY COURT RULES, *May, 1870.*

1	—	—	9	—	—
2	IV.	3	10	—	—
3	XXXVII.	5	11	—	—
4	"	6	12	—	—
5	"	7	13	XXXVI.	10
6	II.	5	14	"	11
7	"	6	15	—	—
8	XII.	8			

## ADMIRALTY RULES.

1	XXXIII.	1	8	XXXIII.	6
2	"	2	9	"	7
3	"	3	10	"	8
4	"	4	11	"	9
5	"	4	12	"	10
6	V.	1	13	"	11
7	I.	5	14	"	12

Rule.	New.		Rule.	New.	
	Order.	Rule.		Order.	Rule.
15	XXXIII.	13	47	XXXIII.	30
16	"	14	48	"	31
17	"	15	49	"	32
18	"	16	50	"	33
19	XXX.	4 & 5	51	"	34
20	XXXIII.	17	52	"	35
21	"	18	53	"	36
22	XIV.	1	54	"	37
23	XXXVI.	3	55	"	38
24	"	4	56	"	39
25	XXXVII.	37	57	"	40
26	"	38	58	"	41
27	"	39	59	XXXVII.	4
28	"	39	60	"	32
29	—	41	61	—	—
30	—	—	62	—	—
31	—	—	63	—	—
32	—	—	64	—	—
33	XXXVII.	51	65	—	—
34	XXXIII.	19	66	—	—
35	"	20	67	—	—
36	"	21	68	XXXVII.	31
37	"	22	69	XXXIII.	42
38	—	—	70	"	43
39	XIX.	1	71	"	44
40	XXXIII.	23	72	"	45
41	"	24	73	"	46
42	"	25	74	XXXVII.	21
43	"	26	75	—	—
44	"	27	76	—	—
45	"	28	77	—	—
46	"	29			

## SCHEDULE OF FORMS.

	PAGE
1. General form of heading and conclusion of all notices and admissions	150
2. General form of heading and conclusion of orders, judgments, and warrants.. ..	151
3. General form of heading and conclusion of affidavits .. ..	151
4. Mem. to be made on any order or other document signed by one judge acting for another .. ..	151
5. Mem. to be placed at foot of every summons, notice, judgment, order, warrant, or any other process of the court .. ..	151
6. Memorandum to be put on all plaint-notes .. ..	151
7. Plaint-note (ordinary summons) .. ..	152
8. Plaint-note (default summons) under sect. 1 of the County Courts Act, 1875 .. ..	152
9. Plaint-note (default summons). Bills of Exchange Act .. ..	153
10. Letter to be sent with summons out of district .. ..	153
11. Ordinary summons .. ..	154
12. Summons in chambers .. ..	155
13. Notice of non-service of an ordinary summons .. ..	155
14. Notice of doubtful service of an ordinary summons .. ..	156
15. Affidavit of debt. County Courts Act, 1875, s. 1 .. ..	156
16. Default summons under sect. 1 of the County Courts Act, 1875 .. ..	156
17. Default summons under the Bills of Exchange Act, 1855 .. ..	158
18. Notice of service of default summons .. ..	158
19. Notice of day of trial where defendant served with a default summons has given notice of defence .. ..	159
20. Summons to witness to give evidence .. ..	159
21. Summons to witness to produce documents .. ..	159
22. Notice to be sent with all warrants of execution against the goods .. ..	159
23. Judgment for defendant, or of nonsuit .. ..	160
24. Judgment for plaintiff .. ..	160
25. Notice to plaintiff of payment of instalment .. ..	161
26. Admission of claim or part of claim under sect. 8 of the County Courts Act, 1850 .. ..	161
27. Affidavit of signature to admission, sect. 8 of the County Courts Act, 1850 .. ..	161
28. Notice to plaintiff of admission of claim under sect. 8 of 13 & 14 Vict. c. 61 .. ..	161
29. Notice to plaintiff of admission of part of claim, under sect. 8 of the 13 & 14 Vict. c. 61 .. ..	161
30. Admission under sect. 9 of 13 & 14 Vict. c. 61.. ..	162
31. Affidavit of signature under sect. 9 of 13 & 14 Vict. c. 61 .. ..	162
32. Warrant of execution against the goods of defendant .. ..	162
33. Warrant of execution against the goods of plaintiff .. ..	163
34. Affidavit in support of application for substituted service .. ..	164
35. Order for leave to proceed as if service had been effected .. ..	164
36. Notice by plaintiff of consent to accept instalments .. ..	165
37. List of gentlemen who have consented to act as assessors in this court under sect. 5 of the County Courts Act, 1875 .. ..	165

FORMS UNDER THE DEBTORS ACT, 1869, IN WHICH SPECIAL  
MATTER SHOULD BE PRINTED.

	PAGE
38. Certified copy of order or judgment .. .. .	166
39. Judgment-summons on an order or judgment of a county court ..	167
40. Order upon a judgment-summons altering original order or judgment	168
41. Order of commitment .. .. .	168

## FORMS IN WHICH SPECIAL MATTER NEED NOT BE PRINTED.

42. Undertaking by next friend of infant to be responsible for defendant's costs .. .. .	170
43. Notice to high bailiff of foreign court of order against him for neglect	170
44. Undertaking by solicitor to be responsible for costs .. ..	170
45. Agreement to give jurisdiction to a county court .. ..	170
46. Certificate of deposit. Examples of particulars of demand ..	171
47. Notice of sureties .. .. .	178
48. Affidavit of justification .. .. .	178
49. Bond under the Summary Procedure on Bills of Exchange Act, 1855	178
50. Particulars of plaintiff's demand or cause of action in actions of contract ordered to be tried in a county court .. .. .	179
51. Notice of trial of action of contract ordered to be tried in a county court .. .. .	179
52. Statement of plaintiff's cause of action in actions of tort remitted for trial in a county court .. .. .	180
53. Notice of trial of action of tort remitted for trial in a county court ..	181
54. Affidavit for discovery .. .. .	181
55. Order for discovery .. .. .	182
56. Affidavit in obedience to order for discovery .. .. .	182
57. Interrogatories affidavit .. .. .	182
58. Order for an oral examination .. .. .	182
59. Notice of set-off .. .. .	183
60. Notice of special defence .. .. .	183
61. Notice to be given by defendant under 6 & 7 Vict. c. 96, s. 1, in an action for libel or slander remitted for trial in a county court ..	184
62. Notice to be given by defendant under 6 & 7 Vict. c. 96, s. 2, in an action for libel remitted for trial in a county court ..	184
63. Notice by plaintiff that judgment may be signed against individual members of a firm .. .. .	185
64. Notice to plaintiff that defendant defends on behalf of others ..	185
65. Notice to third party of defendant's claim to contribution, indemnity, &c. .. .. .	185
66. Notice to plaintiff of defendant's claim against a third party ..	186
67. Notice to defendant of non-sufficiency of affidavit under Order XI, Rule 5 .. .. .	186
68. Notice to plaintiff to deposit sum in court under Order XI, Rule 5 ..	186
69. Notice to defendant of deposit under Order XI, Rule 5, having been made, or not having been made .. .. .	187
70. Order fining a witness for non-attendance .. .. .	187
71. Warrant of execution against the goods of a witness for a fine ..	187
72. Affidavit to obtain a warrant to bring up a prisoner .. ..	188
73. Warrant to bring up a prisoner to give evidence .. .. .	188
74. Order for changing venue .. .. .	189
75. Notice by court to which an action has been sent, of the day of trial	189
76. Notice of objection to jurisdiction .. .. .	189
77. Bond where notice of objection to jurisdiction given .. ..	189
78. Consent that court shall decide in an action where title has incidentally come in question .. .. .	190

	PAGE
79. Notice to be sent to both parties of trial where cause sent down by High Court of Justice .. .. .	190
80. Application for assessors .. .. .	190
81. Summons to assessors .. .. .	191
82. Notice to opposite party of names of assessors suggested by party applying that the action should be tried with their assistance ..	191
83. Notice of sitting to hear objections raised by one party to the assessors named by the other .. .. .	192
84. Order upon hearing objection to proposed assessors .. .. .	192
85. Summons where a defendant sued by an assignee has had notice that the assignment is disputed by the assignor .. .. .	192
86. Summons where a defendant sued by an assignee has had notice that the assignment is disputed by the assignor, and has paid debt and costs into court .. .. .	192
87. Order where assignment is invalid .. .. .	193
88. Order where assignment is valid .. .. .	193
89. Order where assignment is invalid, and defendant files a counter claim against plaintiff .. .. .	193
90. Registrar's notice of jury .. .. .	194
91. Summons to jurors .. .. .	194
92. Order fining a juror for non-attendance .. .. .	194
93. Warrant of execution against the goods of a juror for a fine ..	194
94. Order to adjourn proceedings .. .. .	195
95. Order appointing guardian named by infant defendant .. .. .	195
96. Order appointing guardian of infant defendant where defendant does not name a guardian .. .. .	195
97. Agreement not to appeal .. .. .	195
98. Notice of desire to examine defendant as to certain debts due to him ..	195
99. Order when garnishee present .. .. .	196
100. Summons upon a garnishee .. .. .	196
101. Judgment against garnishee .. .. .	196
102. Execution against garnishee .. .. .	197
103. Certificate of the result of the hearing of a cause sent after issue joined for trial to a county court .. .. .	197
104. Order to suspend order of judgment .. .. .	197
105. Order for costs of the day where rule for a certiorari or prohibition has not been served .. .. .	197
106. Order for costs of the day where a writ of certiorari or prohibition has not been lodged .. .. .	198
107. Order for a new trial .. .. .	198
108. Order to rescind a former order .. .. .	198
109. Interpleader summons to execution creditor .. .. .	198
110. Interpleader summons to a claimant setting up a claim to the goods or the proceeds thereof .. .. .	199
111. Interpleader summons to a claimant setting up a claim to rent in respect of the premises upon which the execution was levied ..	199
112. Interpleader summons to an execution creditor, and to the high bailiff where claimant claims damages as well as the goods seized ..	200
113. Interpleader summons to a claimant setting up a claim to damages as well to the goods or the proceeds thereof .. .. .	200
114. Order on an interpleader summons where the claim is not established ..	200
115. Order on an interpleader summons where the claim is established ..	201
116. Order on an interpleader summons where both goods and damages are claimed, and the claim to neither is established .. .. .	201
117. Order on an interpleader summons where both goods and damages are claimed, and the claim to both is established .. .. .	201
118. Order on an interpleader summons where both goods and damages are claimed, and the claim to the goods is, but that to damages is not, established .. .. .	202

	PAGE
119. Order on an interpleader summons where both goods and damages are claimed, and the claim to the goods <i>is not</i> , but the claim to damages <i>is</i> , established .. .. .	202
120. Claim of an execution creditor for damages from a high bailiff .. .. .	203
131. Order on an interpleader summons by execution creditor against a high bailiff where the claim to damages is established .. .. .	203
122. Order on an interpleader summons by an execution creditor against a high bailiff where the claim to damages is not established .. .. .	203
123. Order on interpleader summons where both goods and damages are claimed, and money is paid into court in respect of the latter, and the claim to the goods is established and the money paid into court is found to be sufficient to satisfy the damages .. .. .	204
124. Order on an interpleader summons where both goods and damages are claimed, and money is paid into court in respect of the latter, and the claim to the goods is established, and the money paid into court is adjudged insufficient .. .. .	204
125. Order on an interpleader summons by an execution creditor against a high bailiff for damages, and when the high bailiff pays money into court .. .. .	205
126. Warrant of execution against the goods of claimant .. .. .	205
127. Bond where a plaintiff is appellant .. .. .	206
128. Bond where defendant is appellant .. .. .	207
129. Case on appeal .. .. .	208
130. Admission of claim or part of claim under sect. 8 of the County Courts Act, 1850 .. .. .	208
131. Affidavit of signature to admission, sect. 8 of the County Courts Act, 1850 .. .. .	208
132. Notice to plaintiff of admission of claim under sect. 8 of 13 & 14 Vict. c. 61 .. .. .	208
133. Notice to plaintiff of admission of part of claim, under sect. 8 of the 13 & 14 Vict. c. 61 .. .. .	209
134. Admission under sect. 9 of 13 & 14 Vict. c. 61 .. .. .	209
135. Affidavit of signature under sect. 9 of 13 & 14 Vict. c. 61 .. .. .	209
136. Notice to defendant where any change of plaintiff .. .. .	209
137. Summons in nature of scire facias where any change of defendant .. .. .	210
138. Judgment on scire facias on change of defendant .. .. .	210
139. Judgment against an executor who has wasted assets .. .. .	211
140. Judgment against executor or administrator who admits his representative character and denies the demand .. .. .	211
141. Judgment against executor or administrator where he admits his representative character, but denies the demand, and alleges total or partial administration of assets, and the plaintiff proves his demand, and the defendant proves administration .. .. .	211
142. Judgment against executor or administrator where the defendant admits his representative character, but denies the demand, and alleges total or partial administration of assets, and the plaintiff proves his demand, and the defendant does not prove the administration .. .. .	212
143. Judgment against an executor or administrator who admits his representative character and the plaintiff's demand, but alleges a total or partial administration of assets, and proves the administration .. .. .	213
144. Judgment against an executor or administrator who admits his representative character and the plaintiff's demand, but alleges a total or partial administration of assets, and does not prove the administration .. .. .	213
145. Summons to an executor of plaintiff's intention to apply to the court where assets have come to defendant's hands since judgment .. .. .	214
146. Warrant of execution against the goods of a testator .. .. .	214

	PAGE
147. Judgment against an executor on a devastavit since judgment ..	215
148. Order of reference .. .. .	215
149. Summons to a tenant or other person holding over .. .. .	216
150. Summons for recovery of a tenement .. .. .	217
151. Order for recovery of tenement .. .. .	217
152. Warrant for giving possession of tenement .. .. .	217
153. Summons in action of ejectment .. .. .	218
154. Notice of withdrawal of action as to the whole or part of property	219
155. Notice in ejectment that a person not originally made a defendant will appear and defend .. .. .	219
156. Notice in ejectment that a defendant will limit his defence to part of the property .. .. .	219
157. Judgment in ejectment for all the plaintiffs for the whole property	219
158. Judgment in ejectment for all the plaintiffs for part of the property against one of the defendants, and for the other defendants as to the residue of the property .. .. .	220
159. Judgment in ejectment for one of the plaintiffs for all the property against all the defendants .. .. .	220
160. Judgment in ejectment for plaintiff whose title has expired before trial .. .. .	221
161. Judgment in ejectment for defendant .. .. .	221
162. Judgment in ejectment for defendant's costs where plaintiff does not appear .. .. .	221
163. Heading and conclusion for special case in ejectment .. .. .	222
164. Warrant of execution in ejectment for possession and costs .. .. .	222
165. Special warrant of execution in ejectment for possession and costs where one of several plaintiffs has died after judgment and before execution executed .. .. .	223
166. Judgment in ejectment for plaintiff where defendant is joint tenant, tenant in common, or coparcener with plaintiff, and an actual ouster	223
167. Judgment in ejectment for defendant where defendant is joint tenant, tenant in common, or coparcener with the plaintiff, and no actual ouster is proved .. .. .	224
168. Order in ejectment for the substitution of the heir or other representa- tive of a sole plaintiff who dies before the return day for such deceased plaintiff, and for the continuation of the action in the name of the heir or other representative .. .. .	224
169. Order in ejectment for substitution of the heir or other representa- tive of one of several plaintiffs, who dies before the return day for such deceased plaintiff, and for the continuation of the action in the names of the surviving plaintiff and of the heir or other repre- sentative of the deceased plaintiff .. .. .	225
170. Judgment in ejectment for substituted plaintiff .. .. .	225
171. Judgment in ejectment for surviving and substituted plaintiffs .. .. .	226
172. Order in ejectment, giving leave to a party claiming the property on the death of defendant, who dies before the return day, to appear and defend in the place of such deceased defendant .. .. .	227
173. Summons in ejectment in the nature of a scire facias for costs against the representatives of a deceased defendant .. .. .	227
174. Judgment in ejectment for plaintiff who has withdrawn the action as to part of the property .. .. .	228
175. Confession in ejectment by defendant of plaintiff's title to the prop- erty .. .. .	228
176. Confession in ejectment by defendant defending separately for part of the property of plaintiff's title to such part .. .. .	228
177. Judgment in ejectment for plaintiff where a defendant, defending separately for part of the property, admits plaintiff's title to such part, and the action proceeds for the recovery of the remainder of the property .. .. .	229

	PAGE
178. Notice in ejectment by mortgagee against mortgagor that defendant has paid into court a sum of money for principal, interest and costs	229
179. Order in ejectment by mortgagee against mortgagor (all money due for principal, interest and costs having been paid into court) upon plaintiff to reconvey to the defendant the mortgaged property ..	230
180. Order in ejectment by mortgagee against mortgagor (a certain sum having been paid into court for principal, interest and costs), that defendant shall pay a further sum into court, and that upon such payment being made the plaintiff shall reconvey the mortgaged property to the defendant .. .. .	230
181. Particulars or statement of the cause of action under section 12 of 80 & 81 Vict. c. 141 .. .. .	231
182. Notice to distrainor of goods [or cattle] intended to be replevied ..	231
183. Bond in replevin where action to be commenced in high court ..	232
184. Bond in replevin where action to be commenced in county court ..	232
185. Warrant to high bailiff to replevy .. .. .	233
186. Judgment for defendant in replevin for rent .. .. .	233
187. Judgment for defendant in replevin of cattle damage feasant ..	233
188. Judgment in detinue .. .. .	234
189. Warrant of execution in detinue against goods of defendant ..	234
190. Order under the friendly societies and other acts .. .. .	235
191. Order for warrant of execution to issue under the friendly societies and other acts .. .. .	235
192. Warrant of execution against the goods under the friendly societies and other acts .. .. .	235
193. Warrant of commitment for contempt .. .. .	236
194. Order under the Mercantile Law Amendment Act, 1856 .. .. .	236
195. Distringas and warrant of execution against defendant's goods for the amount of damages for non-delivery of the goods (supposing the goods delivered under the order and distringas), and costs, under the Mercantile Law Amendment Act, 1856 .. .. .	237
196. Warrant of execution against defendant's goods under the Mercantile Law Amendment Act, where plaintiff exercises the option of having the damages assessed for the non-delivery of the goods (where the goods are not delivered pursuant to the order) levied by distress and sale of defendant's goods .. .. .	239
197. Defendant's admission .. .. .	240
198. Affidavit of signature to defendant's admission .. .. .	240
199. Defendant's statements .. .. .	240
200. Order.—Administration action .. .. .	241
201. Form of order under Order XVIII., Rule 15, or under Order XI. ..	242
202. Form of order under Order XVIII., Rule 14, or under Order XI. ..	242
203. Order for reference in foreclosure action by legal mortgage ..	243
204. Order of sale in an action by a legal or equitable mortgagee or person entitled to a lien .. .. .	243
205. Order.—Dissolution of partnership .. .. .	244
206. Judgment for foreclosure .. .. .	244
207. Partnership .. .. .	245
208. Notice of order to absent party .. .. .	245
209. Notice to creditor to prove his claim .. .. .	245
210. Notice to creditor of allowance of claim .. .. .	245
211. Registrar's certificate .. .. .	246
212. Notice that registrar's certificate may be inspected .. .. .	248
213. Bond to be given by receiver .. .. .	248
214. Warrant of assistance .. .. .	248
215. Warrant of possession .. .. .	249
216. Notice of change of solicitor .. .. .	249
217. Order of payment of legacy into High Court of Justice .. .. .	249



	PAGE
218. Order of transfer of suit or matter to High Court of Justice ..	250
219. Order in the nature of an injunction .. .. .	250
220. Notice of application for committal .. .. .	251
221. Order of committal for breach of an order in the nature of an in- junction .. .. .	251
222. Order of committal for neglect to obey order .. .. .	252
223. Warrant of committal .. .. .	252
224. Notice of application for discharge from custody .. .. .	252
225. Order of discharge from custody .. .. .	252
226. Affidavit under 30 & 31 Vict. c. 142, s. 24 .. .. .	253
227. Petition by person interested in funds in court .. .. .	254
228. Certificate in case of money .. .. .	254
229. Certificate in case of transfer of stock .. .. .	254
230. Acknowledgment of filing of receipt or transfer ticket .. .. .	254
231. Certificate of deposit of security .. .. .	255
232. Notice of payment into post office savings bank or of transfer of stock or deposit of security .. .. .	255
233. Notice to treasurer .. .. .	256
234. Letter to Commissioners of Treasury as to drawing out money ..	256
235. Judgment-summons on order or judgment of a court other than a county court .. .. .	256
236. Affidavit where judgment-summons is sought on an order of a court not a county court .. .. .	257
237. Order of commitment on an order or judgment of a court other than a county court .. .. .	257
238. Affidavit .. .. .	258
239. Certificate by registrar of bankruptcy of judgment debtor .. ..	259
240. Notice to a respondent under the Agricultural Holdings (England) Act, 1875 .. .. .	259
241. .. .. .	260
242. Undertaking in writing by defendant to perform contract .. ..	260

#### ADMIRALTY FORMS.

243. Præcipe or entry of plaint .. .. .	261
244. Præcipe for permission for suit to be heard at a special place ..	261
245. Summons .. .. .	261
246. Summons .. .. .	262
247. Warrant of arrest and detention .. .. .	262
248. Bail bond .. .. .	263
249. Order of release .. .. .	263
250. Præcipe to enter an appearance .. .. .	263
251. Notice of hearing .. .. .	264
252. Order of transfer to High Court of Justice .. .. .	264
253. Order of transfer to county court or to High Court of Justice ..	264
254. Judgment or order .. .. .	264
255. Præcipe for a warrant of execution .. .. .	265
256. Warrant of execution against the vessel or property of defendant ..	265
257. Order for transfer of sale to High Court of Justice .. .. .	266
258. Præcipe for paying in money .. .. .	266
259. Summons to assessors .. .. .	266
260. Order fining an assessor for non-attendance .. .. .	267
261. Admiralty actions book .. .. .	267

## THE CONSOLIDATED COUNTY COURT ORDERS AND RULES, 1875.

THE orders, rules, and forms now in use in the county courts, except in proceedings under the Bankruptcy Act, 1869 (*a*), Charitable Trusts Acts (*b*) and the Probate Acts (*c*), shall, on and from the second day of November, 1875, cease to be used, and in lieu thereof the following shall, on and from such day, be the orders, rules, and forms in force and used in the said courts.

### *Short Title.*

These orders may be cited as "The County Court Rules, 1875."

Short title.

### *Interpretation.*

In the construction of these rules, words importing the singular number shall include the plural, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females, and the following terms shall (if not inconsistent with the context or subject matter) have the respective meanings herein-after assigned to them, that is to say: Interpreta-  
tion.

"Action" shall mean every proceeding commenced by plaint in a county court;

"Affidavit" shall include statutory declarations, affirmations, and attestations upon honour, and the word "sworn" shall include declaring and affirmed according to statute and attested upon honour;

"Clear days" shall mean that all cases in which any particular number of days is prescribed for the doing any act, or for any other purpose, the same shall be reckoned exclusive both of the first and of the last day;

"Court" shall mean the county court having jurisdiction in the action or matter;

"Default summons" shall mean a summons other than a judgment summons, which is required by statute to be served personally;

(*a*) See the orders, rules and forms under the Bankruptcy Act, 1869, under their appropriate heads, Vol. II. pp. 199—406.

(*b*) See Vol. II., pp. 125—129.

(*c*) See Vol. II., pp. 190—198.

- "Foreign court" shall mean the court of the district into which process is issued from another court ;
- "Home court" shall mean the court from which process is originally issued ;
- "Home district" shall mean the district of the home court ; and "foreign district" shall mean the district of the foreign court ;
- "Judge" shall mean the judge or deputy judge of any such court ;
- "Matter" shall mean every proceeding commenced otherwise than by plaint, and whether in an action or not ;
- "Month" shall mean calendar month ;
- "Ordinary summons" shall mean a summons which is not required by statute to be served personally ;
- "Party" shall mean party to any action or matter ; or a person served with notice of, or in, any action or matter, and shall include body politic or corporate ;
- "Registrar" shall mean a registrar or any deputy registrar of any such court ;
- "Return-day" shall mean and include the day appointed by an ordinary summons for the appearance of the defendant, or any other day fixed for the trial of an action ;
- "Treasurer" shall, where there is no treasurer of the court, mean the superintendent, for the time being, of the county court department of the treasury ;
- "Trial" shall mean any trial of the action or the hearing of any matter before the court.

## ORDER I.

### COURT AND OFFICES.

Sittings of  
court.  
9 & 10 Vict.  
c. 95, s. 56 (d).

1. Every judge shall appoint the days and hours for holding his courts ; and a notice of the day and hour on which each court will be holden shall, three calendar months before the holding thereof, be affixed in some conspicuous place in the court-house and in the registrar's office ; and whenever any day or hour so appointed for holding the court shall be altered, notice of such alteration shall immediately be affixed in like manner ; but any judge may from time to time hold additional and adjourned courts.

No two courts  
to be held on  
same day.

2. Two courts shall not be holden before the same judge on one day, unless with the consent of the Lord Chancellor ; but this rule shall not apply to the holding of an adjourned court, or to the City of London Court.

On what days  
registrar to  
keep county  
court office  
open.

3. An office shall be kept open by the registrar at each place where the court of which he is registrar is holden, and such office shall be kept open every day from ten o'clock in the morning until four o'clock in the afternoon, except on Christmas day, Good Friday, the Saturday next after Good Friday, Easter Monday, Easter Tuesday, Whit Monday, the first Monday in August, or any day appointed by royal proclamation for a public fast, humiliation, thanksgiving, or any day appointed for

closing the same by the Lord Chancellor; provided that on Saturdays the office may be closed at one o'clock in the afternoon, but where Saturday is the market day of the town in which the court is holden, the office shall not be so closed, but may be closed at one o'clock on some other day of the week instead of Saturday, which day shall be fixed upon for such purpose by the judge, and shall not afterwards be changed except by his leave: Provided, that an office need not be kept open in more than one place within the district of a court, although the court is holden at more than one place within the district, unless the Lord Chancellor shall otherwise order: Provided also, that during the days on which in such district the court is held in any place other than in the place where the registrar's office is situate, or on which an office is open at such other place, the office may be closed on such days in the place in which the office is required generally to be kept open.

4. The offices of the county courts may from time to time be closed by special order of the Lord Chancellor on such days as may be mentioned in any such order.

County court office may be closed by order.

## ORDER II.

### OFFICERS.

#### *Registrar.*

1. Whenever the registrar is absent from the sitting of a court, the judge shall appoint a deputy to act on behalf of the registrar; and an entry of such appointment and the cause of such absence (if known) shall be made on the minutes of the court.

Deputy registrars.  
9 & 10 Vict.  
c. 95, s. 26 (c).

2. The registrar shall keep the books in the forms in the schedule; and every entry in such books shall have a number prefixed, corresponding with the number of the plaint to which the entry relates.

Registrar to keep books.  
9 & 10 Vict. c.  
95, s. 27 (f).

3. The registrar shall file all documents delivered to him in any action or matter, and shall distinguish them by the number of the plaint in respect of which they are filed, and from each other, by a distinctive letter of the alphabet, and he shall enter in the "Notice Book" the fact of the dispatch of all summonses to foreign courts, documents, notices, and letters sent by him to any party, and all particulars required by the form of such book.

Documents to be distinguished by the number of the plaint and letters.

4. The registrar of the court shall issue all summonses and warrants forthwith after the plaints are entered or the warrants applied for.

Registrar to issue all processes.

5. Where a summons is required to be served in a foreign district, the registrar shall transmit the same and a copy thereof to the bailiff of the foreign court within twenty-four hours after the plaint is entered, with a letter according to the form in the schedule, unless the home court shall order the summons in that particular case to be served by its bailiff; and where the summons is returned to the registrar by the bailiff of the foreign court, not served, the registrar shall forthwith give notice to the plaintiff of such non-service: but no letter need be transmitted from one metropolitan court to another.

Service of summons in foreign district.  
Form

6. Where by the indorsement on the copy of a summons made by a bailiff of a foreign court, it shall appear doubtful whether the service

Doubtful service in foreign district.

(e) See Vol. I. p. 110.

(f) See Vol. I. p. 106, n.

Form .  
Particulars to  
be annexed to  
summons.

Payment into  
court.

Searches.  
19 & 20 Vict.  
c. 108, s.  
45 (g).

Acknowledg-  
ment of pay-  
ments and  
deposits.

Court books  
to be pro-  
duced to treas-  
urer.

No officer to  
act as agent  
to parties.

Notice of re-  
jection of  
imperfect af-  
fidavits or do-  
cuments.  
Form .

Where legacy  
or succession  
duty payable,  
it must be  
paid before  
execution of  
decree.

Custody of  
securities.  
30 & 31 Vict.  
c. 142 (h), s.  
24.

Absence of  
high bailiff  
at court.

will be held sufficient, the registrar of the home court shall forthwith on receiving back such copy send to the plaintiff a notice according to the form in the schedule.

7. The registrar shall in all cases where by these rules particulars are required, annex to the summons a copy of the plaintiff's particulars, sealed with the seal of the court; and shall also make and deliver to the bailiff a true copy of the summons.

8. Moneys to be paid into court under the order of the judge may be so paid, during office hours, on every day on which such office is open.

9. Searches may be made and the money to which suitors are entitled shall be paid out upon demand (in cash if required) on three days, at the least, in each week, such days to be fixed by the registrar from time to time, with the approbation of the judge, and to be printed or written on the plaint note: Provided that, for the purpose of enabling the registrar to furnish the list of balances in the ledgers according to the requirements of the commissioners of her Majesty's Treasury, no searches shall be made or money paid out of court during one week in each year, provided that due notice of such week shall have been affixed in some conspicuous place in the office of the registrar a month beforehand.

10. Whenever money is paid into or deposited in court, whether before or after judgment, an acknowledgment in writing of such payment or deposit shall be given.

11. All the books of the court, including the bankers' book and cash book, shall at all times be open to the inspection of the treasurer.

12. No registrar, deputy registrar, registrar's clerk, high bailiff, bailiff, broker, or other officer of the court, and no partner or clerk of any such officer, shall, on account of suitors, sign the ledger, or any other book, or receive money, or otherwise act as an agent for that purpose.

13. Where a registrar rejects an affidavit or other document, he shall give notice, according to the form in schedule, by post or otherwise, to the party offering the same for filing, of such rejection and of the reasons thereof.

14. Before executing any order directing the payment or transfer of any fund, or part of any fund, in respect of which any duty shall be payable to the revenue under the acts relating to legacy or succession duty, it shall be the duty of the registrar, before making the payment, to require a certificate from the proper officer of, or the production of the receipt for, the payment of the duty chargeable in respect of such fund, or any part thereof respectively.

15. The registrars shall comply with all regulations which may from time to time be made by the commissioners of her Majesty's Treasury for the safe custody of any securities deposited with them under section 24 of "The County Courts Act, 1867" (i).

### *High Bailiff.*

16. Whenever the high bailiff does not attend any sitting of the court, he shall transmit to the registrar in writing the cause of his absence, who shall enter it on the minutes of the then or the next succeeding court.

(g) See Vol. I. p. 285.

first issue of Rules.

(h) Misprinted 412 for c. 142, in

(i) See Vol. II. p. 10.

17. The high bailiff shall keep books and make returns in the forms in the schedule.

High bailiff  
to keep  
books.  
Attendance  
at office.

18. The high bailiff or bailiff of the court shall attend for the purpose of receiving processes or for the performance of other duties, at the office of the registrar once at least every day during the hours it is open; and shall compare and examine all processes delivered to him by the registrar, so as to enable him to prove its correctness.

19. The office of the high bailiff of a county court, in which the complaints entered shall have exceeded six thousand in any one year, shall be open to the public for the purpose of answering inquiries, giving information, or for any other purpose connected with the duties of the bailiff, during the same hours as the office of the registrar of the court is to be kept open.

Keeping open  
an office.

20. The high bailiff shall serve or cause to be served process issued out of his court of which he is high bailiff, or sent to him for service from other county courts, as soon as practicable.

Service of  
process.

21. If the service of the summons has been personal, the bailiff who served the same shall indorse on the copy of the summons delivered to him by the registrar the fact of such service; and if the service has not been personal, he shall indorse on the copy of the summons the statement which has been made by the person to whom the summons was delivered, or other circumstances from which it may be inferred that the service of the summons has come to the knowledge of the defendant; and if the summons has not been served, the bailiff shall indorse on such copy the reason of such non-service, and shall deliver it to the registrar with the list of summonses hereafter mentioned, and such copy shall be produced by the registrar or high bailiff, as the judge may require. All such endorsements shall be signed by the bailiff.

Indorsement  
of service on  
copy of sum-  
mons.

22. Where an ordinary home summons has not been served, the high bailiff shall forthwith give notice to the plaintiff of the fact of such non-service according to the form in the schedule.

Notice of  
non-service  
to be given.  
Form .

23. Where the answers given by the person to whom an ordinary summons is delivered at the place mentioned in a summons as the residence or place of business of the defendant render it doubtful whether the court will be satisfied that its service has come to the knowledge of the defendant before the return-day, the high bailiff shall forthwith send to the plaintiff a notice according to the form in the schedule.

Notice of  
doubtful ser-  
vice to be  
given.  
Form .

24. Where an ordinary summons to appear to a plaint is required to be served in a foreign district, the high bailiff of that district shall, eight clear days at least before the return-day, transmit the copy thereof to the registrar of the home court duly endorsed, and where it has not been served, he shall return the summons also.

Service by  
foreign bail-  
iff.

25. Where the high bailiff of a foreign court neglects to return to the registrar of the home court the copy of a summons as required by the last preceding rule, or of a judgment summons, three clear days before its return-day, the judge of the home court may, upon evidence of such summonses having been posted to the high bailiff of the foreign court, direct such high bailiff to have notice that he will at a court to be mentioned, unless such high bailiff show cause to the contrary, make an order directing such high bailiff to pay to the plaintiff such sum as the judge may think reasonable, as compensation for any loss of time and expense which may have been caused to the plaintiff by such

Where re-  
turn of ser-  
vice to home  
court is not  
made, foreign  
bailiff may be  
ordered to pay  
costs.

- neglect, and if on the day mentioned the judge shall make any order for payment by such high bailiff a memorandum of such order shall be made in the minute book, and the registrar of the home court shall transmit to the high bailiff of the foreign court a notice according to the form in the schedule, and if he shall not remit to the registrar of the home court the sum directed by the order to be paid, the registrar shall transmit to the treasurer of the foreign court a copy of the notice certifying thereon the neglect of the high bailiff to pay the money as required, and the treasurer shall deduct such sum from any payment he may hereafter make to the high bailiff.
- Form .** 26. Seven clear days before the day of holding any court the high bailiff shall deliver to the registrar a list of all ordinary summonses on complaints before judgment, issued to him, returnable at such court, and shall state therein the mode of service or the cause of non-service of each summons, and the high bailiff shall, at the same time, unless the judge shall otherwise order, deliver to the registrar the copy of every such summons which has been served, and the summons itself when not served.
- High bailiff to deliver list of ordinary summonses served. 9 & 10 Vict. c. 95, s. 33 (k).** 27. Within two days after the service of a default summons, the high bailiff of the court in the district of which it was to be served shall send notice thereof to the plaintiff according to the form in the schedule, and shall return the copy of the summons duly indorsed to the registrar of the court from which it issued, and where any such summons cannot be served within one month from the date of its issue, such high bailiff shall send to the plaintiff a notice stating why it has not been served, and shall send a similar notice at the end of every one month during which it shall remain in force and unserved.
- Notice of service or non-service of default summonses. Form .** 28. The high bailiff shall enter in the "order book" all orders for the payment of money or costs, or both, which he shall have received, and the date on which he shall have caused the same to be posted.
- Order book.** 29. The high bailiff shall execute every warrant issued to him, as soon as possible, and shall enter in the proper book every warrant which he has been required to execute, and shall state from time to time therein what he shall have done under each warrant, and if the same be not executed within one calendar month from the day of its delivery to him, why it has not been executed; and shall, at all reasonable times, give to a suitor, his solicitor or agent, every information that he may reasonably require as to the execution or non-execution of any warrant, which has been issued at his instance.
- Warrants to be served. Entries in warrant book. 9 & 10 Vict. c. 95, ss. 33 (l), and 94 (m).** 30. Every high bailiff levying or receiving any money by virtue of any process issuing out of the court of which he is bailiff, shall, within twenty-four hours from the receipt thereof, pay over the same to the registrar of such court, who shall endorse upon the warrant a memorandum of having received the same, and the high bailiff shall file such process and retain the same in his custody.
- Moneys to be paid in within twenty-four hours.** 31. Whenever a warrant required to be executed in a foreign district has not been executed within one calendar month from the day of its delivery, the high bailiff of the foreign court shall, on the day after the termination of such month, make a return to the registrar of the home court of what he shall have done under such warrant, and why it has not been executed, and when the same warrant has not been executed
- Non-execution of warrant in foreign district. 9 & 10 Vict. c. 95, ss. 33 (l), and 104 (m).**

(k) See Vol. I. p. 112, n.

(m) See Vol. I. p. 80.

(l) *Ibid.*

during the time it is in force such high bailiff shall return the same to the registrar of the home court within twenty-four hours from the expiration of such time, and shall indorse on such warrant the reason why the same could not be executed, and he shall sign such indorsement, but the high bailiff shall return such warrant to the home court at any time, although unexecuted, if he shall be directed so to do by the registrar of the home court, or shall give such information as such registrar may require in the matter of the warrant.

32. Where any personal property is directed to be sold by auction, detained, or preserved, the high bailiff shall, if the court so direct, superintend such sale, detention, or preservation; and where the property is to be sold by private contract, he shall carry out the directions of the court in respect of such sale, but this rule shall not apply to an execution issued under sect. 95 of the County Courts Act, 1846.

As to sale of personal property.

33. Where a warrant shall direct the high bailiff to detain and preserve any goods or chattels, he shall take and retain possession thereof until further order be made by the court thereon.

Possession.

34. Where a warrant shall direct the high bailiff to take possession of any goods or chattels until good security be given by some party for the safe keeping, or for the payment of the value of the same in default of such safe keeping, but shall not specify the amount of such security, he shall make or cause to be made an inventory or appraisalment of the goods or chattels which he may take into his possession, and may, upon receiving as a deposit the amount of such appraisalment or sufficient security, to be approved by the registrar, for the safe custody, and for the delivery up of possession upon request, of such goods and chattels, relinquish the possession thereof on condition that the same shall be redelivered to him or held to abide the order of the court. If the warrant shall specify the amount of security no less deposit or security shall be sufficient.

Where possession taken until security given.

### ORDER III.

#### RECEIVER (n).

1. Every receiver appointed by the court, other than the high bailiff, shall give such security to the registrar for the faithful discharge of his duties, and the payment over of money, as the court shall direct.

Receiver.

2. The receiver shall submit his accounts to the registrar, and the registrar shall audit the same, as soon as conveniently may be after the receipt or realization of the assets, and immediately after such audit the receiver shall pay over to the registrar the balance found thereby to be in his hands. The account shall be written on foolscap paper book-wise, and the items of every account must be numbered consecutively, and the account must be verified by affidavit and be therein referred to as an exhibit.

Audit of receiver's accounts.

3. The registrar may require any receiver to produce any receipt, accounts, and vouchers necessary for verifying the accounts, and may disallow any item not proved to his satisfaction.

Receiver to produce vouchers.

4. The receiver shall, at any time before the complete realization of the assets, produce his accounts to be audited upon receiving seven days' notice in writing from the registrar so to do, and such notice may be sent by post or otherwise to the address of the receiver.

Accounts to be audited.



- Interval between audits.** 5. Where the duties of the receiver are continuous, no longer period than one year shall in any case be allowed to intervene between each audit.
- Attendance of party not required at audit.** 6. In no case shall it be necessary for any party to attend at the audit of the receiver's account, but where a party is dissatisfied with a receiver's account he may apply to the judge or registrar for a revision of the registrar's allowances.
- Court may direct receiver to pay party moneys received.** 7. The court may order the receiver to pay over, at such time or from time to time as it shall see fit, to the party entitled to the beneficial interest therein, or to the guardian of any infant, any yearly or other accruing rents or interest instead of paying the same into court, and to take credit for such payments in his accounts when audited.

## ORDER IV.

## COMMENCEMENT OF ACTION.

- Actions to be commenced by plaintiff.** 1. All actions, suits, and proceedings in a county court which prior to 2nd November, 1875, were required by statute or otherwise to be commenced by entry of a plaint, shall henceforth be called actions, and shall be commenced by entering a plaint and issuing a summons in manner prescribed by "The County Courts Act, 1846" (o), and these rules.
- Form .**
- Security for costs.** 2. Where it shall appear, on an application for the entry of a plaint, that the plaintiff does not reside in England or Wales, the summons shall not be issued until security for costs, by deposit of money or otherwise, shall have been given to the satisfaction of the registrar: Provided that where the plaint is entered through a solicitor, an undertaking, according to the form in the schedule, to be responsible for the costs shall be sufficient.
- Names, description and address of plaintiff and defendant to be given on entry of plaint.** 3. No plaint shall be entered unless the plaintiff shall give the christian name and surname, description, and residence, or place of business of himself, and of the solicitor, if any, entering the plaint, and the surname (and where known, the christian name) and description, and, except as provided in the next following rule, the residence or place of business of the defendant (and, where known, the name of the street and number of such house or place of business), and the descriptions and addresses so given shall be inserted in such process or attached thereto.
- Form .**
- Where plaint is entered by leave defendant's residence need not be given, but summons must be served personally.** 4. Where a plaintiff applies to enter a plaint by leave of the judge or registrar in the county court within the district of which the defendant or one of the defendants dwelt or carried on business within six months next before the time of action brought, or in the county court in the district of which the cause of action wholly or in part arose, a summons may be issued, although the plaintiff cannot give the present place of residence or of business of the defendant; but in such case the defendant must be served personally, either within the district of the home court, or wherever else he may be met with.
- Summons under 38 & 39 Vict. c. 50, s. 1, not to issue in certain cases.** 5. Where under section 1 of "The County Courts Act, 1875" (p), the leave of the judge or registrar is required for the issue of a summons in the form or to the effect given in Schedule B. to that act, such leave may be given in all cases except where the affidavit given in Schedule A. to the said act discloses that the defendant is a

(o) See Vol. I. p. 164.

(p) See *ante*, pp. 3, 4.

domestic or menial servant, a labourer, a servant in husbandry, a journeyman, an artificer, a handicraftsman, a miner, or any person engaged in manual labour, unless the action is for the price, value, or hire of goods which, or some part of which, were sold and delivered, or let on hire to the defendant to be used or dealt with in the way of his trade, profession or calling.

6. Where a plaint is entered by a solicitor, and he requires a default summons to issue, he may, at the time of the entry of the plaint, deliver to the registrar a notice in writing, according to the form in the schedule, signed by himself, stating that he wishes to serve the summons by himself or some clerk or servant in his permanent and exclusive employ, and it shall be so served accordingly; but if such notice be not given the summons shall be served by a bailiff of a county court: provided that where difficulty has been experienced in effecting service under this rule the summons may be served by leave of the judge or registrar by the party or by some clerk or servant in his permanent and exclusive employ.

Default summons may be served by solicitor.

Form .

7. Where any such summons has been served by the solicitor or his clerk or servant as aforesaid, a copy of such summons, together with an affidavit of the service thereof in the form given in the schedule, shall, within three clear days next thereafter, be delivered or transmitted to the registrar of the court issuing such summons, who shall forthwith file the same.

Copy of default summons and affidavit to be delivered to registrar.

8. Where a plaintiff requiring a default summons does not require the order upon the judgment to be for payment forthwith, he shall, at the time of the entry of the plaint, file a notice, signed by himself or his solicitor or agent, of the time or times at which, and of the instalments, if any, by which, he consents to accept payment, together with as many copies of such notice as there are defendants; and a copy of such notice shall be annexed to the summons, and served therewith; and if he neglects to file such notice he may give such notice at the time of entering up judgment.

Practice where plaintiff does not require payment forthwith.

9. Where an infant desires to commence an action (other than for wages or piece-work, or for work as a servant), he shall procure the attendance of a next friend, at the office of the registrar, at the time of entering the plaint; and no plaint shall be entered until the next friend has undertaken, according to the form in the schedule, to be responsible for costs, who, on entering into such undertaking, shall be liable in the same manner and to the same extent as if he were a plaintiff in an ordinary action; and the action shall proceed in the name of the infant by such next friend, and the undertaking shall be filed by the registrar; but no order of the court shall be necessary for the appointment of such next friend. If the plaintiff fail in, or discontinue his action, and do not pay the amount of costs awarded by the court to be paid by him to the defendant, proceedings may be taken for the recovery of such amount from the next friend as for the recovery of any debt ordered to be paid by the court.

Infant suing (?).

Form .

10. Where a plaint is entered by a married woman, she shall state the name and, so far as she can, the address and description of her husband; and shall, unless the court shall otherwise order, also procure the attendance of a next friend, who shall give the undertaking and incur all the liability in the last preceding rule provided in the case of an infant plaintiff.

Married woman suing.

## ORDER V.

## PARTIES.

All persons may be joined as plaintiffs in whom any right exists jointly, severally or in the alternative.

1. All persons may be joined as plaintiffs in whom the right to any relief claimed is alleged to exist whether jointly, severally, or in the alternative. And judgment may be given for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to, without any amendment. But the defendant, though unsuccessful, shall be entitled to his costs occasioned by so joining any person or persons who shall not be found entitled to relief, unless the court in disposing of the costs of the action shall otherwise direct.

All persons may similarly be joined as defendants.

2. All persons may be joined as defendants against whom the right to any relief is alleged to exist, whether jointly, severally, or in the alternative. And judgment may be given against such one or more of the defendants as may be found to be liable, according to their respective liabilities, without any amendment.

All persons may be joined as parties who are liable under any one contract.

3. It shall not be necessary that every defendant to any action shall be interested as to all the relief thereby prayed for, or as to every cause of action included therein; but the court or a judge may make such order as may appear just to prevent any defendant from being embarrassed or put to expense by being required to attend any proceedings in such action in which he may have no interest.

Persons may be joined as parties who are liable under any one contract.

4. The plaintiff may, at his option, join as parties to the same action all or any of the persons severally, or jointly and severally, liable on any one contract, including parties to bills of exchange and promissory notes.

Where plaintiff in doubt as to whom he is entitled to redress.

5. Where, in any action, whether founded upon contract or otherwise, the plaintiff is in doubt as to the person from whom he is entitled to redress, he may join two or more defendants, to the intent that in such action the question as to which, if any, of the defendants is liable, and to what extent, may be determined as between all parties to the action.

Trustees, executors and others may sue or be sued without joining parties beneficially interested.

6. Trustees, executors, and administrators may sue and be sued on behalf of or as representing the property or estate of which they are trustees or representatives, without joining any of the parties beneficially interested in the trust or estate, and shall be considered as representing such parties in the action; but the court may, at the trial, order any of such parties to be made parties to the action, either in addition to or in lieu of the previously existing parties thereto.

Married women and infants.

7. Married women and infants may respectively sue as plaintiffs by their next friends, and infants may defend any action by their guardians appointed for that purpose. Married women may also, by the leave of the registrar, sue or defend without their husbands and without a next friend, on giving such security (if any) for costs as the registrar may require.

Where parties numerous, one or more may sue or be sued or defend for the benefit of all.

8. Where there are numerous parties having the same interest in one action, one or more of such parties may sue or be sued, or may be authorized by the judge to defend in such action, on behalf or for the benefit of all parties so interested. Any application under this rule may be made to the judge either at the trial or in chambers under sect. 4 of the County Courts Act, 1875 (r).

Co-partners

9. Any two or more persons claiming or being liable as co-partners

may sue or be sued in the name of their respective firms, if any; and on application by any party to an action in such case the registrar may order a statement of the names of the persons who are co-partners in any such firm to be furnished in such manner, and verified on oath or otherwise, as the registrar may direct: provided that where an action is brought against a firm and the plaintiff desires to obtain judgment against each member of the firm, he shall state the name of the persons whom he believes are co-partners in such firm, and file an affidavit and copy thereof setting forth the grounds of his belief, and the registrar shall thereupon attach to the summons a copy of such affidavit, together with a notice, according to the form in the schedule, that if sufficient cause be not shown at the trial the judge will order judgment against all the persons whose names have been so given and verified; and the judge may at the trial give judgment, if he thinks fit, against all the persons whose names have been inserted in such notice, and who shall have been served with the summons, with a copy of the affidavit, and notice annexed in the manner and within the time in which an ordinary summons should be served.

may sue and be sued in the name of their firm (and see Order XI, r. 9).

Proviso as to judgment against members of firm.

Form

10. Where the action is brought under sect. 11 of the County Courts Act, 1867 (s), to recover any lands, all the persons in whom the title is alleged to be shall be plaintiffs, and the person or persons alleged to be in possession or apparent possession of the lands sought to be recovered shall be defendant or defendants.

Parties in action to recover land. 30 & 31 Vict. c. 142.

11. Subject to the provisions of these rules, the provisions as to parties, contained in section 42 of 15 & 16 Victoria, chapter 86 (t), shall be in force as to actions in the county courts.

Provisions of sect. 42 of 15 & 16 Vict. c. 86, in force.

(s) See Vol. I. p. 35.

(t) The provisions referred to of the 15 & 16 Vict. c. 86 (to amend the practice and course of proceeding in the High Court of Chancery), although referred to and abstracted, Vol. II. pp. 88, 89, being now applied to actions, are given in full:

Sect. 42. "It shall not be competent to any defendant in any suit in the said court to take any objection for want of parties to such suit, in any case to which the rules next hereinafter set forth extend; and such rules shall be deemed and taken as part of the law and practice of the said court, and any law or practice of the said court inconsistent therewith shall be and is hereby abrogated and annulled.

Rule 1. "Any residuary legatee or next of kin may, without serving the remaining residuary legatees or next of kin, have a decree for the administration of the personal estate of a deceased person.

Rule 2. "Any legatee interested in a legacy charged upon real estate, and any person interested in the proceeds of real estate directed to be

sold, may, without serving any other legatee or person interested in the proceeds of the estate, have a decree for the administration of the estate of a deceased person.

Rule 3. "Any residuary devisee or heir may, without serving any co-residuary devisee or co-heir, have the like decree.

Rule 4. "Any one of several *cestui que trusts* under any deed or instrument may, without serving any other of such *cestui que trusts*, have a decree for the execution of the trusts of the deed or instrument.

Rule 5. "In all cases of suits for the protection of property pending litigation, and in all cases of the nature of waste, one person may sue on behalf of himself and of all persons having the same interest.

Rule 6. "Any executor, administrator or trustee may obtain a decree against any one legatee, next of kin, or *cestui que trust*, for the administration of the estate, or the execution of the trusts.

Rule 7. "In all the above cases, the court, if it shall see fit, may require any other person or persons to

## ORDER VI.

## JOINDER OF CAUSES OF ACTION.

What claims may be joined with action for recovery of land.

Joinder of claims by trustee in bankruptcy.

Joinder of causes of action generally.

Claims by husband and wife.

Claims by executor or administrator.

Joint and separate claims by plaintiffs.

Separate trials may be ordered.

Actions by and against lunatics and persons of unsound mind.

1. No cause of action shall, unless by leave of the judge, be joined with an action for the recovery of land, except claims in respect of mesne profits, or arrears of rent in respect of the premises claimed, or any part thereof, or damages for breach of any contract under which the same or any part thereof are held.

2. Claims by a trustee in bankruptcy as such shall not, unless by leave of the judge, be joined with any claim by him in any other capacity.

3. Subject to the two preceding rules a plaintiff may unite in the same action several causes of action, without leave of the court.

4. Claims by or against husband and wife may be joined with claims by or against either of them separately.

5. Claims by or against an executor or administrator as such may be joined with claims by or against him personally, provided the last-mentioned claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor or administrator.

6. Claims by plaintiffs jointly may be joined with claims by them or any of them separately against the same defendant.

7. If at any time it appears or is made to appear to the court that the causes of action united or claims joined in any action cannot be conveniently tried and disposed of together, it may order separate trials, or may exclude any such cause of action or claim, and may order the particulars to be amended accordingly, and may make such order as to costs as may be just.

8. In all cases in which lunatics and persons of unsound mind not so found by inquisition might respectively before the 1st November, 1875, have sued as plaintiffs or would have been liable to be sued as defendants in any action or suit, they may respectively sue as plaintiffs in any action by their committee or next friend in manner practised in the

be made a party or parties to the suit, and may, if it shall see fit, give the conduct of the suit to such person as it may deem proper, and may make such order in any particular case as it may deem just for placing the defendant on the record on the same footing in regard to costs as other parties having a common interest with him in the matters in question.

Rule 8. "In all the above cases the persons who, according to the present practice of the court, would be necessary parties to the suit, shall be served with notice of the decree, and after such notice they shall be bound by the proceedings in the same manner as if they had been originally made parties to the suit, and they may by an order of course have liberty to attend the proceedings under the decree; and any party so served may, within such time as shall in

that behalf be prescribed by the general order of the Lord Chancellor, apply to the court to add to the decree.

Rule 9. "In all suits concerning real or personal estate which is vested in trustees under a will, settlement or otherwise, such trustees shall represent the persons beneficially interested under the trust, in the same manner and to the same extent as the executors or administrators in suits concerning personal estate represent the persons beneficially interested in such personal estate; and in such cases it shall not be necessary to make the persons beneficially interested under the trusts, parties to the suit; but the court may, upon consideration of the matter, on the hearing, if it shall so think fit, order such persons, or any of them, to be made parties."

Court of Chancery before the passing of the said act (*u*), and may in like manner defend any action by their committees or guardians appointed for that purpose.

## ORDER VII.

## PARTICULARS AND STATEMENT OF CLAIM.

1. A plaintiff shall in all cases at the time of the entry of the plaint, file particulars of his demand or cause of action; and where the demand exceeds fifty pounds, but the plaintiff desires to abandon the excess or to admit a set-off, and sues in a county court for the residue, the abandonment of the excess or the admission of the set-off shall be entered at the end of the particulars; provided that this rule shall not apply where the sum is sought to be recovered by ordinary summons and shall not exceed forty shillings.

Particulars in cases above 40s. to be filed.

2. In all cases of ordinary account, such as partnership, executorship, or ordinary trust accounts, where the plaintiff in the first instance desires to have an account taken, the particulars shall contain a claim that such account be taken.

Particulars in cases of account.

3. In all cases where the assignee of any debt or other legal chose in action sues, he shall state on his particulars the name and description of the assignor.

Particulars where assignee suing.

4. The solicitor of a plaintiff suing by a solicitor, shall indorse on the particulars his name, or firm, and place of business, and shall state thereon whether he will accept service of proceedings in the action or matter on behalf of the plaintiff.

Entry of plaint by a solicitor.

5. Where the action is brought under sect. 11 of the County Court Act, 1867 (*x*), to recover any lands, the plaintiff shall at the time of entering the plaint file a statement in writing containing a full description of the property sought to be recovered and of the annual value thereof, and of the rent, if there be any, fixed or paid in respect thereof.

Particulars in action under 30 & 31 Vict. c. 142, s. 11.

6. Where an action is brought under sect. 12 of the County Courts Act, 1875 (*y*), other than actions to recover possession of lands, whatever the amount of damages claimed may be, the plaintiff shall, at the time of the entry of the plaint, file a concise statement in writing, signed by himself or his solicitor, of his cause of action, and of the particulars thereof.

Particulars in actions under 30 & 31 Vict. c. 142, s. 12.

7. Where the plaintiff seeks to obtain payment or satisfaction, or relief, redress, or remedy upon more than one cause of action or claim, he shall state in his particulars the grounds of each claim separately, and shall also state separately the payment or satisfaction, relief, redress, or remedy he claims in respect of each.

Particulars where more than one cause of action.

8. In all actions the defendant may within three clear days of his being served with the summons give notice to the plaintiffs that he

Notice of further particulars may be given.

(\*) The act, which is imperfectly referred to, is "The Supreme Court of Judicature Act, 1875" (38 & 39 Vict. c. 77), which contains an order (First Schedule, Order XVIII.) from which r. 8 in the text is taken. It may be here observed, that under "The Trustee Act, 1850," the Lord Chancellor, as distinguished from the Court of Chancery, has the power

there mentioned over the estate of lunatic trustees, and the summary of the act, Vol. II. p. 19, requires correction. The county courts have no jurisdiction in such a case.

(x) See Vol. I. p. 35.

(y) A misprint for 1867. See the section (as correctly referred to in the margin) Vol. I. p. 36.

Practice  
where such  
notice is  
given.

requires further particulars, and the plaintiff shall, within two clear days of such service, file full particulars of his claim and of the relief or remedy to which he claims to be entitled, and within the same time shall deliver to the defendant a copy thereof. Such particulars shall be written on paper of the description heretofore used in suits in equity, and shall state as concisely as may be the material facts on which the plaintiff relies, and shall be divided into paragraphs numbered consecutively, and each paragraph containing as nearly as may be a separate allegation. Dates, sums, and numbers shall be expressed in figures and not in words. The court in adjusting the costs of the action shall inquire at the instance of any party into any prolixity, and shall order the costs occasioned by such prolixity to be borne by the party chargeable with the same.

Fraction of a  
penny.

9. Where the amount claimed in any case includes a fraction of a penny, such fraction shall not be entered in the books of the court, and judgment shall not be given for any fraction of a penny.

## ORDER VIII.

### PLAINT NOTE AND SUMMONS.

Plaint note.  
9 & 10 Vict.  
c. 95, s. 59 (z).  
Form .

1. At the time of entering the plaint the registrar shall give to the plaintiff or his solicitor or agent a note under the seal of the court, according to the form in the schedule; and no money shall be paid out of court to the plaintiff or his solicitor or agent, unless on production of such note or a duplicate note as hereafter provided, provided that in the event of such note being lost or destroyed, a duplicate thereof may be given from time to time to the plaintiff, or his agent duly authorized in that behalf, upon proof by affidavit or otherwise, to the satisfaction of the registrar, that the person applying is the plaintiff, or his agent authorized in that behalf, and that he is entitled to the moneys payable in the action.

#### *Summons on Plaint.*

Date of sum-  
mons.  
9 & 10 Vict.  
c. 95, s. 59 (z).  
Form .

2. Summonses to appear to a plaint shall be according to the forms in the schedule, and shall be dated of the day on which the plaint was entered, and the date thereof shall be the commencement of the action.

Where issued  
by leave of  
judge or  
registrar.

3. Where a summons is issued by leave of the judge or registrar, the words "by leave of the judge" or "by leave of the registrar," as the case may be, shall appear on the face of the summons.

Particulars to  
be deemed  
part of sum-  
mons.

4. In all cases the particulars where required to be filed shall be annexed to the summons before service, and shall be deemed to be part thereof.

#### *Ordinary Summons and Service.*

Ordinary  
summons  
when return-  
able.

5. An ordinary summons may be returnable either at the court for which plaints are then being entered, or at the request of the plaintiff at any subsequent court.

Successive  
summonses.

6. Where an ordinary summons has not been served, successive summonses may be issued without entering a new plaint, unless the non-service has been caused by the fact of the defendant's having removed from the address given before the entry of the plaint, or of the

plaintiff having given a wrong or insufficient address, but if the bailiff shall ascertain that the defendant has removed to some other place within the district of the court, he shall serve the summons at such other place, indorsing on the copy thereof the new address; and the successive summons or summonses shall bear the same date and number as the summons first issued, which date and number shall be written in red ink in the "Plaint Book," and such summonses shall be a continuance of the first summons; provided that no successive summons shall be issued on a plaint after three months from the date of entry, save as is provided in the next following rule.

7. The summons in an action brought under sect. 11 of the County Courts Act, 1867 (a), to recover lands shall be delivered to the bailiff forty<sup>a</sup> clear days at least before the return-day, and shall be served thirty-five clear days before the return-day thereof.

8. An ordinary summons to appear to a plaint (except in actions as aforesaid to recover lands), where it is to be served in the home district, should, in order to ensure its service, be delivered to the bailiff at least twelve clear days, and where it is to be served in a foreign district fifteen clear days before the return-day, but it shall, in either case, be served at least ten clear days before the return-day thereof; provided that a summons may be issued at any time before the return-day, on production by the plaintiff to the registrar of an affidavit showing that the defendant is about to remove out of the ordinary jurisdiction of the court or of that of the court in which he then resides; and service of such summons at any time before the return-day may be deemed good service, if at the hearing, the judge is satisfied on the evidence on oath before him, that such party was about to remove out of the ordinary jurisdiction of the court, but in every such case, whether such proof be given or not, the judge may, in his discretion, and on such terms as he shall think fit, adjourn the hearing.

9. The service of an ordinary summons, except in the cases hereinafter specially provided for, may be either personal, or by delivering the same to some person, apparently not less than sixteen years old, at the house or place of dwelling, or place of business, of the defendant, unless the bailiff shall ascertain that the defendant has removed to some other place within the district, in which case he shall serve the summons at such last-mentioned place. No place of business shall be deemed the place of business of the defendant unless he shall be the master or one of the masters thereof.

10. When an infant is a defendant to the action, service on his or her father or guardian, or if none then upon the person with whom the infant resides, or under whose care he or she is, shall, unless the judge or registrar otherwise orders, be deemed good service on the infant; provided that the judge or registrar may order that service made on the infant shall be deemed good service.

11. When a person of unsound mind is a defendant to the action, service on his committee, if he has one, or if not then on the person with whom such person resides, or under whose care he or she is, shall, unless the court otherwise orders, be deemed good service on such defendant.

\* "It is necessary to give this time to enable a defendant to avail himself of sect. 12 of 30 & 31 Vict. c. 142." (Note appended to the official copies of the Rules. See s. 12, referred to, *ante*, Vol. I. p. 36.)

Delivery and service of summons in action under 30 & 31 Vict. c. 142, s. 11. When ordinary summons is to be delivered for service. 9 & 10 Vict. c. 95, s. 59 (b). Time of service.

Mode of service.

Service on infant.

Service on a lunatic.

(a) See the section, Vol. I. p. 35.

(b) See this section, Vol. I. p. 65.



- Service on partners.** 12. Where partners are sued in the name of their firm, the summons shall be served either upon any one or more of the partners, or at the principal place of the business in England of the partnership upon any person having apparently at the time of service the control or management of the partnership business there, and such service shall be deemed good service on the firm.
- Service where defendant on board ship.** 13. Where a defendant is living or serving on board of any ship or vessel, it shall be sufficient service to deliver the summons to the person on board who is, at the time of such service, apparently in charge of such ship or vessel.
- Service on a soldier.** 14. Where a defendant is residing or quartered in any barracks, and serving Her Majesty as a soldier or marine, it shall be sufficient service to deliver the summons at the barracks to the adjutant of the corps, or to any officer or serjeant of the company or troop to which such soldier or marine belongs.
- Service on a prisoner.** 15. Where a defendant is a prisoner in a gaol, it shall be sufficient service to deliver the summons at the gaol to the governor or any person appearing to be the head officer in charge thereof.
- Service on a miner.** 16. Where a defendant is working in any mine or other works underground, it shall be sufficient service to deliver the summons at the mine or works, to the engine-man, banks-man, or other person apparently in charge of the mine or works.
- Service where defendant employed in a public asylum or prison.** 17. Where the defendant is employed and dwells in any lunatic or other public asylum, or in any common gaol or house of correction, it shall be sufficient service to deliver the summons to the gate-keeper or lodge-keeper of the asylum, gaol, or house of correction.
- Service on a corporation.** 18. Service of the summons may be effected on a railway company or other corporation by delivering the summons to a secretary, station master, or clerk of the defendant, at any station or office of the defendant within the district of the court in which the summons is to be served.
- Where defendant keeps his house closed.** 19. Where a defendant keeps his house or place of dwelling or place of business closed, in order to prevent a bailiff from serving the summons, it shall be sufficient service to affix such summons on the door of such house or place of dwelling or place of business.
- Service in case of vacant possession.** 20. Where the action is to recover any lands or tenements, the summons may, in case of vacant possession, or if the defendant cannot be found, and his place of abode shall not be known, or admission thereto cannot be obtained for serving the summons, be served by posting a copy of such summons upon the door of the dwelling-house or other conspicuous part of the property, and such affixing shall be deemed good service on the defendant.
- Service where violence threatened.** 21. Where a bailiff is prevented by the violence or threats of the defendant, or of any other person or persons in concert with him, from personally serving such summons, it shall be sufficient service to leave such summons as near to the defendant as practicable.
- Where service has not been personal.** 22. Where the summons, though not served personally, has been delivered at the house or place of dwelling or place of business of defendant, and the defendant does not appear, in person or by his solicitor or agent, at the return-day, the action may proceed if the court is satisfied, on the evidence before it, that the service of such summons has come to the knowledge of the defendant before the return-day, but no such evidence shall be necessary in the cases specially mentioned in the rules numbered 17, 18, 19, 20 and 21 in this order (c).

(c) See observations as to the provisions of the County Court Act, 1875, as to proof of service by bailiff's indorsement.

23. Whenever, by any statute, provision is made for service of any writ of summons, bill, petition, or other process upon any corporation, or upon any hundred, or the inhabitants of any place, or any society or fellowship, or any body or number of persons, whether corporate or otherwise, the summons may be served in the manner so provided.

Service of summons in pursuance of statute.

24. Whenever a summons has been served in one of the modes herein-before mentioned, but it appears that it has come to the knowledge of the defendant less than ten clear days before the return-day, the action may, at the discretion of the court, proceed or be adjourned, whether the defendant appears or not on such return-day.

Where summons has come to the knowledge of defendant less than ten days before return-day.

25. Where a summons shall issue under sect. 18 of the County Courts Act, 1856 (*d*), the same shall be served by the bailiff of the district within which the defendant shall dwell or carry on business, unless the judge shall in each case otherwise specially order; provided that this rule shall not interfere with the general power, now vested in the bailiff of the court from which the summons has issued, to serve the same within five hundred yards of the boundary of his district.

Where summons issues under sect. 18 of 19 & 20 Vict. c. 108.

26. The above rules as to the mode, but not those as to the time, of service of summonses to appear to a plaint, shall apply to the mode of service of all summonses whatsoever, except where otherwise directed by statute or by these rules.

Service of summonses other than on entry of plaint.

#### *Default Summonses and Service.*

27. Default summonses must be personally served within a period of six months of their date.

Service of default summons.

28. A default summons may be served in any district in which the defendant may be met with.

Default summons may be served in any district.

29. Where a default summons has not been returned to the registrar within six months from the date of its issue, unless the time for its service has been extended, it shall be struck out of the plaint book.

When default summons may be struck out.

30. Where a husband and a wife living together are both defendants to an action, in cases where personal service is required such service on the husband shall be deemed good service on the wife, but the judge or registrar may order that the wife shall be personally served as well as the husband.

Where husband and wife are joined.

31. Where service of a default summons has been effected, and no notice of intention to defend been given, judgment shall not be signed after six months from the date of service; but if any defendant therein named shall not have been served therewith, the plaintiff may, before the expiration of the twelve months, apply to the registrar, and if he is satisfied that reasonable efforts have been made to serve such defendant or for other good reason, may issue a successive summons without fee for a further period of six months and so from time to time during the currency of the successive summons, and such successive summonses shall be a continuance of the action on and from the day on which the plaint was entered.

Limitation of time for signing judgment of default summons.

32. Where a default summons has been served in due time to prevent the operation of a statute of limitations, and either party dies after the service and after the lapse of the period within which it is provided that an action may be brought, proceedings may be taken by or against the surviving party, or by or against the personal representative of the deceased party, within one year from the day of service of the summons.

Where either party dies after service of summons to save statute.

(*d*) See this section, Vol. I. p. 146, and the observation upon it, note (*A*) of same page.

Substituted  
service of  
summons  
under 18 &  
19 Vict. c.  
67 (f).

33. The provision of section 1 of County Courts Act, 1875 (e), as to where personal service cannot be effected, shall apply to the failure of service of a summons issued under the Bills of Exchange Act, 1855.

### ORDER IX.

#### SPECIAL DEFENCES.

Where plain-  
tiff sues on  
behalf of  
others.

1. Where a plaintiff sues on behalf or for the benefit of others having the same interest, the defendant may avail himself of any defence in respect of each of the persons in whose behalf or for whose benefit the plaintiff so sues which he would have had against either or any of such persons if they or he had been plaintiff.

Where de-  
fendant de-  
sires to defend  
on behalf of  
others.

2. Where a defendant desires to defend on behalf or for the benefit of others having the same interest, he shall, within two clear days of the date of service of the summons on him, apply to the registrar for leave so to defend, and shall file an affidavit of the facts upon which he relies to obtain such leave, together with the names, addresses, and occupations of such persons, and the registrar may thereupon make an order for the defendant so to defend, and shall add the names to that of the defendant in the plaint or minute book, and a copy of such order shall be personally served on each of such persons, and notice sent the plaintiff according to the form in the schedule: provided that the plaintiff or any of the persons whose names have been so added may, at the trial, object to the defendant defending on behalf of all or any of the persons as to whom such order has been made, and the judge may, if he think fit, strike the name of all or any of such persons out of the proceedings, and order the defendant to pay such costs as he shall think fit.

Form .

In actions  
under 30 & 31  
Vict. c. 142,  
s. 11, any per-  
son not  
named as a  
defendant  
may, by  
leave, ap-  
pear.

3. In actions brought under section 11 of the County Courts Act, 1867 (g), to recover lands, any person not named as a defendant in the summons shall, by leave of the registrar, be allowed to appear and defend on filing twelve clear days before the return-day an affidavit, together with as many copies thereof as there are plaintiffs and defendants, showing that he is in possession, either by himself or his tenant, of the property or some part thereof mentioned in the particulars (such part being described in the affidavit with reasonable certainty); and upon such affidavit being filed, the registrar shall enter the name, address, and description of the person filing the same in the plaint book as a defendant in addition to the name or names of the person or persons originally made defendant or defendants; and shall, ten clear days before the return-day, give notice, by post or otherwise, to the plaintiffs and the original defendants, that the person filing the affidavit has filed the same, and will appear and defend at the trial of the action, annexing to each notice a copy of the affidavit.

In actions  
under 30 & 31  
Vict. c. 142,  
s. 11, de-  
fendant may  
give notice  
that he will  
limit his de-  
fence to part  
of the pro-  
perty.

4. In actions brought under section 11 of the County Courts Act, 1867 (h), to recover lands, any defendant may, twelve clear days before the return-day, file a notice in writing signed by himself or his solicitor to the registrar, that he intends to limit his defence to a part only of the property mentioned in the particulars describing that part in such notice with reasonable certainty; and the registrar shall, ten clear days before the return-day, send the same by post to the plaintiff or plaintiffs.

(e) See the section, *ante*, pp. 3, 4.

(f) See Vol. I. pp. 189, 190.

(g) See Vol. I. p. 35.

(h) Misprinted 1875 in the first issue of Rules.

5. A defendant intending to avail himself of the power given by section 39 of the County Courts Act, 1856 (*i*), to object to an action being tried in the county court, shall give notice personally or by post of such intention to the registrar and to the plaintiff five clear days before the return-day, according to the form set forth in the schedule; and shall therein name the parties whom he proposes to be his sureties, or state therein his willingness to deposit money in lieu of giving security, and if he shall fail to give such security or make such deposit before the return-day, or shall fail to give such notice of his intention to object as aforesaid, he shall not be entitled to object to the action being tried in the county court.

Objection to jurisdiction of court.  
19 & 20 Vict. c. 108, s. 39.  
Form .

6. Where a plaintiff avails himself of the provisions of section 68 of the County Courts Act, 1846 (*k*), and proceeds against only one or more of several persons jointly answerable, the defendant or defendants sued may avail himself or themselves of any defence or counter-claim to which he or they would be entitled if all the persons liable were made defendants.

Where one of several persons jointly answerable is sued.  
9 & 10 Vict. c. 95, s. 68.

7. Where the defendant intends to rely upon any of the grounds of defence hereinafter mentioned in this order, he shall file a notice stating thereon his name and address, together with a concise statement of such grounds, five clear days before the return-day of the summons; and the registrar shall thereupon, within twenty-four hours after receiving the same, transmit by post one copy of such notice and particulars to the plaintiff: provided that in case of non-compliance with these rules, and of the plaintiff's not consenting at the trial to permit the defendant to avail himself of such defence at the trial, the judge may, on such terms as he shall think fit, adjourn the trial of the action to enable the defendant to give such notice.

Notice to be given of special defences.

8. Where the defendant intends to rely upon a set-off of any debt or liquidated money demand, his statement shall contain particulars of the account upon which he claims the set-off to be due.

Set-off.

9. Where a defendant intends to rely on the defence of infancy, he shall in his statement set forth, so far as he is able, the place and date of his birth.

Infancy.  
9 & 10 Vict. c. 95, s. 76 (*l*).

10. Where a female defendant intends to rely on the defence of coverture, she shall in her statement set forth, so far as she is able, the place and date of marriage, together with the christian name and surname of her husband, and his address and description so far as known.

Coverture.  
9 & 10 Vict. c. 95, s. 76 (*m*).

11. Where a defendant intends to rely on the defence of any statute of limitations, he shall in his statement state the date from which he relies that the statute began to run.

Statute of Limitations.  
9 & 10 Vict. c. 95, s. 76 (*n*).

12. Where a defendant intends to rely on the defence of a release under any statute relating to bankrupts, or for the relief of insolvent debtors, he shall in his statement set forth the date of his certificate, discharge, or final order, and the court by which such certificate, discharge, or final order was granted or made.

Bankruptcy.  
9 & 10 Vict. c. 95, s. 76 (*o*).

13. Where in any action for libel or slander the defendant relies as a

Defence that

(*i*) See Vol. I. p. 42.

(*k*) See Vol. I. p. 180.

(*l*) See the section referred to, Vol. I. p. 202. As to the defence of infancy, see Vol. I. p. 519, and *ante*, p. 20.

(*m*) See as to this defence, Vol. I. p. 523.

(*n*) As to this defence, see Vol. I. p. 571.

(*o*) As to this defence, see Vol. I. p. 590.

libel or slander is true.  
80 & 81 Vict.  
c.142, s.10 (p).  
Statutory  
defence.

defence upon the fact that the libel or slander is true, he shall in his statement set forth that the libel or slander complained of is true in substance.

14. When in any action of tort the defendant relies upon a statutory defence, he shall in his statement set forth the year, chapter, and section of the statute on which he relies, or the short title thereof.

Equitable  
relief.

15. Where a defendant claims to be entitled as matter of defence to any equitable estate or right, or to relief upon any equitable ground against the claim of the plaintiff, or any part thereof, he shall five clear days before the return-day file a concise statement in the estate or right he so claims, and shall show concisely the circumstances which give rise to such defence, and set forth separately each of the grounds of equitable defence.

Tender.

16. Where the defence is a tender, such defence shall not be available unless, before or at the trial of the action, the defendant pays into court (which may be without costs) the amount alleged to have been tendered.

### ORDER X.

#### COUNTER-CLAIM AND OTHER CLAIMS BY DEFENDANT.

Notice of  
counter-claim  
or claim to  
contribution,  
indemnity,  
&c. to be  
given.

1. Where a defendant in an action sets off, or sets up, by way of counter-claim against the claims of the plaintiff, any right or claim, whether such set-off or counter-claim sound in damages or not, and where a defendant is or claims to be entitled to contribution, indemnity, or other remedy or relief over against any other person the defendant shall seven clear days before the return-day file a concise statement of his counter or other claim, containing the grounds upon which he makes the same, and where the person against whom he makes the claim is not the plaintiff, such person's name, address, and description; and the registrar shall thereupon make out and cause to be forthwith served by the bailiff or the defendant's solicitor upon the plaintiff and the person against whom such claim is made a notice according to the form in the schedule, with a copy of the claim of the defendant annexed thereto; and the person so served shall from the time of such service, for all purposes, be in the same position as if he were a defendant served with an original summons with the notice of claim annexed thereto as a plaintiff's particulars.

Form .

A person not  
a party served  
under last  
rule may  
apply to  
judge for  
directions as  
to conduct of  
action.

2. Any person served with a notice under the last preceding rule, may upon giving four days' notice of such application to all parties interested, apply before the trial to the judge for directions as to the conduct of the action, and as to any proceedings or notices therein, and upon such application the judge may make such order and give such directions as he shall think fit.

Where a  
counter-claim  
made any  
party may  
apply to  
judge for dis-  
allowance.

3. A person served with notice of counter-claim under rule 1 of this Order may apply to the judge for an order that such counter-claim be not allowed, and upon such application the judge may make such order and give such directions as he shall think fit.

Where a  
counter-claim  
registrar may  
postpone  
trial.

4. Upon any counter-claim or other claim being made under rule 1 of this Order the registrar shall have authority to order the postponement of the trial to a day to be appointed by him, having regard to the nature of such claim, and of the proceedings likely to arise thereon, and upon such postponement notice thereof shall be given by the registrar to all parties interested.

(p) See this section, Vol. I. p. 448.

## ORDER XI.

## INTERLOCUTORY AND INTERIM ORDERS AND PROCEEDINGS.

1. Where any party desires before trial an order upon any of the matters following, (that is to say,) an order in the nature of an injunction or an order of court for the production of any deed, for the appointment of a receiver, or to secure the possession, detention or preservation of any property, or to obtain security from any person for any monies in his possession, or to enforce the deposit or payment into court thereof pending litigation, or the sale of any goods, wares or merchandise which may be of a perishable nature, or which the court may think desirable to have sold at once, and the payment of the price thereof into court, or for the inspection or taking samples of any goods, wares, or merchandize, or for measuring, weighing, or making any experiment upon any goods, wares, or merchandize, or for surveying, measuring, or making any plan, level, or section of any building or place, or for a view of any premises that may be in dispute, or the taking any accounts or making any inquiries, he may file an application for such order, and apply ex parte to the judge, either in or out of court, upon affidavits setting forth the facts rendering such order immediately necessary, and upon such application the judge may either make an order absolute in the first instance, or make an order to be absolute at any time to be ordered by him unless cause be shown to the contrary, or may make such other order or give such directions in the matter as the judge may think fit, and may order immediate execution.

Mode of application for interlocutory or interim order.

2. Where an action is brought to recover, or a defendant in his statement of defence seeks by way of counter-claim to recover specific property other than land, and the party from whom such recovery is sought does not dispute the title of the party seeking to recover the same, but claims to retain the property by virtue of a lien or otherwise as security for any sum of money, the judge upon being satisfied by affidavit or otherwise of the existence of such lien or security, may order that the party seeking to recover the property be at liberty to pay into court, to abide the event of the action, the amount of money in respect of which the lien or security is claimed, and such further sum (if any) for interest and costs as such judge may direct, and that upon such payment into court being made, the property be given up to the party seeking to recover it.

Where specific property other than land is sought to be recovered.

3. The draft of all orders under the last two preceding rules shall be prepared beforehand by the party applying, and be settled by the registrar of the court, and when the party makes such application he shall present the draft order to the judge for his approval, and the judge if he approves thereof shall sign the same.

Draft orders to be prepared by registrars.

4. The draft so signed shall be transmitted by the applicant to the registrar of the court, who shall draw up the order in conformity therewith, and seal and file the same, and issue a copy thereof under the seal of the court to the bailiff or party's solicitor for service.

Registrar to draw up orders in conformity with draft settled by judge.

5. Where the residence or place of business of a defendant is more than twenty miles from the court in which the plaint is entered, he may, not later than two clear days from the date of service of the summons thereon forward by registered post letter to the registrar of such court an affidavit disclosing a good defence upon the merits to the action. The registrar upon receipt of such affidavit if satisfied that it discloses such a defence shall forthwith by notice, according to the form in the

Deposit may be ordered where defendant resides twenty miles from court.

Form .

**Forms**

Order may authorize entry upon lands for the purpose of executing order.

Registrar to take deposition of person ordered to weigh, inspect, &c.

Receiver may be appointed though not asked for.

Application for names of firm in an action by a firm.

schedule, call upon the plaintiff to deposit in court, within two clear days from the date of the notice, such a sum as the registrar may, having reference to all the circumstances of the case, therein direct. The registrar shall, where the deposit is made or not made, or the affidavit does not disclose a defence, send notice according to the forms in the schedule to the defendant, and where the deposit is not duly made the action shall be struck out.

6. An order for inspecting, surveying, measuring, or for making any plan or model, may also give authority to any person, to be named in such order, to enter with such persons as may be necessary for his assistance, upon any lands or tenements to be described in such order, in the possession of any party to the action, for the purpose of executing the said order.

7. Where an order is made for inspecting, surveying, measuring, weighing, making any experiment, or for taking any sample, or making any plan or model, by any person to be named therein, such order may include an order for the registrar or some other person to be named therein, to examine upon oath and take the deposition of the person so named, as to such measure, weight, or inspection, or the correctness of such survey, or the result of such experiment, or the fairness of such samples, or the accuracy of such plan or model, and such order may also empower any or either party to give the deposition so taken in evidence upon any trial or proceeding.

8. Where before or at the trial of any action it appears to the court expedient that a receiver be appointed, such appointment shall be made whether the same be asked as part of the relief in the plaint or not.

9. Where an action is brought in the name of a firm and the defendant desires to know the names of the persons who are co-partners in such firm, he shall give notice in writing, within three days after the service of the summons, to the plaintiff that he requires such names, and the plaintiff shall forthwith send by post to the defendant so applying and to the registrar the names and addresses of such persons. Provided that the judge may at any time without such notice order the plaintiff to give to any defendant the names of such persons. Provided also, that if from the names of the members of the co-partnership not being given by the plaintiff before entering the plaint, or from any delay in giving the same upon the before-mentioned notice, the defendant is prevented or unduly delayed in making his defence, the judge may adjourn the hearing upon such terms as he may think fit.

**ORDER XII.****DISCONTINUANCE, DISCLAIMER, ADMISSION, AND PAYMENT INTO COURT.**

Discontinuance of action.

1. If the plaintiff desires to discontinue the action or matter against all or any of the parties thereto, he may give notice in writing thereof to the registrar, and the registrar shall forthwith forward a notice according to the form in the schedule, by post or otherwise, to the party or parties as to whom the plaintiff so desires to discontinue the action, and such party shall not be entitled to any further costs than those incurred up to the receipt of the notice, unless the court shall otherwise direct.

Disclaimer, admission and other

2. The defendant may file a statement disclaiming any interest in the subject matter of the action, or admitting or denying any of the state-

ments in a plaintiff's particulars, or raising any question of law on such statements without admitting the truth thereof; or he may therein state concisely any new fact or document upon which he intends to rely as a defence, or to bring to the notice of the court; and a copy thereof shall be transmitted by the registrar to the plaintiff: provided always, that in exercising his discretion as to costs, the judge shall consider the fact of a defendant having or not having availed himself of the powers given by this rule.

statements  
by defendant.

3. Where a defendant desires to admit the truth of the statement in the plaintiff's particulars, and to submit to the judgment of the court thereon, he may at any time before the return-day, in the presence of a registrar of a county court, or in the presence of one of his clerks, or of a solicitor, sign an admission in the form contained in the schedule to these orders; and the signature of the defendant thereto shall be verified by affidavit, unless signed in the presence of a registrar of a court, or of one of his clerks, and such admission shall be filed at least five clear days before the return-day; and the registrar shall transmit a copy thereof by post to the plaintiff or his solicitor; and the plaintiff shall not, unless the judge shall otherwise order, be allowed any costs incurred after the service upon him of such admission in relation to the proof of the matter so admitted: provided that the plaintiff or his solicitor shall be entitled, notwithstanding such admission, to his costs of attending on the day of trial to enter up judgment and tax his costs.

Admission of  
truth of plain-  
tiff's state-  
ment.

Form .

4. Where the defendant is desirous of paying money into court on an ordinary summons, he shall, except where otherwise expressly provided, pay the same at least five clear days before the return-day, with court fees proportionate to the amount paid in, and the solicitor's costs, if any; and the registrar shall within twenty-four hours from the time of such payment send to the plaintiff notice thereof by post: provided, that at any time before the return-day the defendant may pay money into court, with such costs as aforesaid, and the registrar shall give notice thereof to the plaintiff as aforesaid; but where money is so paid in less than five clear days before the return-day, or without such costs, it shall be lawful for the court to order the defendant to pay such fees and costs as the plaintiff shall have properly incurred in entering the plaint, preparing for trial, and in attending the court, but no hearing fee shall be charged.

Payment into  
court before  
judgment,  
how made.  
9 & 10 Vict.  
c. 96 (2), s.  
82 (r).

5. If the plaintiff elect to accept, in full satisfaction of his claim, including costs, such money as shall have been paid into court by the defendant, and shall send to the registrar and to the defendant by post, or leave at the registrar's office and at the defendant's place of dwelling or place of business, a written notice, stating such acceptance, within such reasonable time before the return-day as the time of payment by the defendant has permitted, the action shall abate, and the plaintiff shall not be liable to any further costs. But in default of such notices from the plaintiff the action may proceed.

Acceptance of  
amount paid  
in as satis-  
faction of  
claim.  
9 & 10 Vict.  
c. 96,  
s. 82 (r).

6. Where a defendant pays into court any sum admitted by him to be due after deducting any amount he may claim as a set-off he must pay therewith court fees proportionate to the total amount of the sum admitted, together with the sum he claims to set-off.

Where  
amount ad-  
mitted in-  
cludes amount  
of a set-off.

7. Where a defendant, in an action of libel remitted under sect. 10 of (g) Misprinted c. 96 in the first (r) See the section, Vol. I. p. 199. issue of Rules.

Payment in



an action of  
libel.

the County Courts Act, 1867 (*s*), pays money into court under sect. 2 of 6 & 7 Vict. c. 96 (*t*), the last two rules shall apply to and be observed with reference to such payment into court, so far as they are applicable.

In certain  
cases money  
paid in to be  
retained.

8. Where defendant pays money into court in part payment of the amount claimed, or in order that he may plead the defence of tender, and the plaintiff does not accept the sum paid in satisfaction of the action, the money shall not be paid out until after the judgment, and then if any costs shall have been awarded to the defendant, such costs shall be deducted therefrom and be paid to the defendant.

### ORDER XIII.

#### DISCOVERY, INSPECTION, AND ADMISSION.

Production of  
documents.

1. Where in any action any party desires the production of any document or documents relating to the matter in question in such action, he shall make an affidavit that he has reason to believe that such document or documents is or are in the possession or power of one of the parties, and the registrar shall, upon the delivery to him of the affidavit and a copy thereof, file the affidavit, and make an order (annexing thereto the copy of the affidavit), that the party against whom such application is made shall answer on affidavit stating what documents he has in his possession or power relating to the matters in dispute, or what he knows as to the custody they or any of them are in, and whether he objects, and if so, on what grounds, to the production of such of the documents as are in his possession or power; and the time within which the opposite party shall return such affidavit to the court shall be stated in the order, which order shall be served by the bailiff of the court or a solicitor, or by post.

Answer to  
order to pro-  
duce.

2. The party against whom such order is made shall answer on affidavit according to the terms of the order, and send the affidavit and a copy thereof to the registrar, by post or otherwise, within the time stated in the order; and the registrar shall, immediately upon receiving such affidavit, file the same and transmit by post or otherwise to the party making the application, the copy of the affidavit.

Further order  
after answer  
received.

3. Where after such last-mentioned affidavit is filed, the party making the application requires a further order thereon, he shall apply to the registrar for such further order, and if there be no matter of fact or law in dispute between the parties, the registrar shall make an order in writing, in accordance with the facts; but if there shall be any matter of fact or law in dispute between the parties, the registrar shall transmit both affidavits to the judge, who shall direct the registrar to give notice, by post or otherwise, to both parties of a time and place when and where he will hear the application, and make such order thereon as shall be just.

Order shall  
state time,  
&c. of produc-  
tion.

4. An order for the production of any deed or document shall state the time when and the person to whom the same shall be produced, and it may further order that the same may be deposited with the registrar to be produced at any trial or hearing, or that the registrar may make a copy thereof for any party.

(*s*) See Vol. I. p. 448.

(*t*) See Vol. I. p. 452, note (*a*).

5. Where in any action any party is desirous of inspecting any written or printed document or instrument which he is entitled to inspect, relating to the matter in question in such action, and which shall be in the possession or power or under the control of the other party, such first-mentioned party may, five clear days before the day of hearing, give notice to the other party, by post or otherwise, that he or his solicitor desires to inspect any such document or instrument, describing the same, at any place to be appointed by the other party; and if such other party shall neglect or refuse to appoint such place, or to allow such plaintiff or defendant or his solicitor to inspect such document or instrument within three clear days after receiving such notice, the judge may, in his discretion, on the day of trial, adjourn the action and make such order as to costs as he shall think fit.

Inspection of documents.

6. Where a party desires to interrogate any party he shall apply to the registrar for leave to deliver interrogatories, and upon making such application he shall file an affidavit, made by himself only or by himself and his solicitor or agent, if any, or by leave of the registrar by his solicitor or agent only, stating that the deponent believes that the party proposing to interrogate will derive material benefit in the action from the discovery which he seeks, and that there is a good cause of action or defence upon the merits. And upon such application the registrar shall make an order according to the form in the schedule that the applicant may, within a time to be named in such order, deliver to the party to be interrogated interrogatories in writing upon any matter as to which the applicant seeks discovery, and shall in such order require the party interrogated to answer the questions in writing by affidavit, and file such answers within such time to be appointed by the registrar as shall enable the party making the application to use the answers so returned as evidence at the trial.

Interrogatories.

Form

7. Where a party served with the order shall object to answer the interrogatories, he shall file an affidavit stating his grounds for objecting, and that he will be prepared to show cause to the court at the return-day against his being required to answer them, but where it is only some of the interrogatories he objects to answer, he may include in his affidavit both his replies and his objections.

Objection to interrogatories.

8. Where the party required to answer interrogatories shall successfully show cause against an order requiring him to answer them, the judge may direct the action to proceed, or to be adjourned if he thinks fit, and upon terms as to costs; but if the party objecting shall not show sufficient cause for his objection, the judge may order the interrogatories to be then and there answered *viva voce* in court, or may adjourn the action, and make an order for the answering of the interrogatories by such time, and for the payment of such costs, as may have been incurred through the delay, as he may think fit.

Successful objection.

9. Where a party desires to give in evidence any document, he may, not less than five clear days before the trial, give notice to any other party in the action who is competent to make admissions requiring him to inspect and admit such document; and if such other party shall not within three days after receiving such notice make such admission, any expense of proving the same at the trial shall be paid by him, whatever be the result of the action, unless the court shall otherwise order; and no costs of proving any document shall be allowed unless such notice, shall be given, except in cases where, in the opinion of the registrar the omission to give such notice has been a saving of expense.

Admission of documents.

## ORDER XIV.

## EVIDENCE.

Witnesses.

Form .

Time of service.

Evidence may be taken *visâ voce*.

Where the documents are not produced, order for production may be made.

Documents produced from proper custody to be read without proof unless objected to.

Where it is desired to use an affidavit, notice may be given.

Registrar to transcribe answers in examination under rules. 17 &amp; 18 Vict. c. 125, s. 53.

Examination

1. Summonses to witnesses may be issued without leave of the court, to be served either in the home or in any foreign district, and may, by leave of the judge or registrar, be issued in blank and served by the party applying for the same or his solicitor, or by some person in the permanent and exclusive employment of the party or his solicitor, but only one name shall be inserted in such summonses.

2. It shall be sufficient if a summons to a witness be served a reasonable time before the return-day.

3. Except where otherwise provided by these rules, the evidence of witnesses shall be taken *visâ voce* on oath according to the former practice on the trial of plaints. Where by these rules evidence is required or permitted to be taken by affidavit such evidence may be taken *visâ voce* on oath if the judge or registrar shall at the hearing of any application or otherwise so direct.

4. Where a witness served with a summons shall not at the trial produce the documents required, the court may, upon admission or proof of the service of such summons within a reasonable time, and that such documents are in the possession or power or under the control of the party so served, and that they relate to the matter then pending before the court, make an order for their production by him, and the court may deal with them, when so produced, and with all costs occasioned by their non-production, as may appear just: provided that nothing herein shall prevent the court from receiving secondary evidence where admissible of any document the production of which has been required as above.

5. Where any documents are produced to the court from proper custody, they shall be read without further proof, if they appear genuine, and if no objection be taken thereto; and if the admission of any document so produced be objected to, the judge may adjourn the hearing for the proof of the documents, and the party objecting shall pay the costs caused by such objection, in case the documents shall afterwards be proved, unless the judge shall otherwise order.

6. Where a party desires to use at the trial an affidavit by any particular witness, or an affidavit as to particular facts, he may, five clear days before the hearing, give a notice, with a copy of such affidavit annexed, to the party against whom such affidavit is to be used; and unless such last-mentioned party shall within two clear days give notice to the other party that he objects to the use of such affidavit, he shall be taken to have consented to the use thereof, unless the judge shall otherwise order.

7. In executing any order made under these rules or under section 53 of "The Common Law Procedure Act, 1854" (a), the registrar or his clerk in his presence shall transcribe the answers given by the witnesses examined before him, and the registrar shall read over the answers so transcribed, and the witness shall sign his name at the foot thereof, and the registrar shall thereupon file the same as the deposition of such witness.

8. Upon the application of a party desirous to examine a witness

(u) See this section, Vol. I. p. 251.

residing out of the jurisdiction of the court, the judge may, if he thinks fit, appoint the registrar of the court within the district of which such witness resides to take the examination of such witness, who shall take the same in the manner provided by the last preceding rule, and transmit it by post to the registrar of the court in which the action is pending.

of witness out of jurisdiction of court.

9. Where it shall be necessary to examine a witness *de bene esse*, application upon affidavit shall be made to the judge or registrar to appoint an examiner for that purpose.

Examination of a witness *de bene esse*.

10. Affidavits and depositions shall be read as the evidence of the person by whom they are used.

Affidavits, evidence of person using them.

## ORDER XV.

### CHANGE OF PARTIES.

1. Where there shall be any assignment, creation, or devolution of the estate or title of any plaintiff before judgment, the person to or upon whom such estate or title has come or devolved may give notice thereof to the registrar according to the form in the schedule, with his name and address, together with an affidavit of the truth of the fact stated in such notice. And thereupon the registrar shall cause a copy of such notice to be served by post upon the defendant in the action, and a further notice that unless upon a day to be named therein he appears and shows cause against the same, the person to or upon whom such estate or title has come or devolved will be substituted for, or made a joint plaintiff with, the plaintiff named in the original summons.

Notice to be given to defendant of change of plaintiff's title.  
Form

2. Where there shall be any assignment, creation, or devolution of the estate or title of any defendant, the plaintiff or the defendant may in like manner give notice to the registrar, who shall take proceedings thereon as prescribed by the last preceding rule, and a defendant may be substituted or added, as the case may be, in manner provided in such rule for the substitution or addition of a plaintiff.

Notice to plaintiff of change in defendant's title.

3. Where a plaintiff or a defendant is substituted or added under either of the two preceding rules, the minute book shall be altered, and all subsequent proceedings carried on under the altered title.

Alteration of records on change of parties.

4. Where a sole plaintiff or defendant or one or more of *several* plaintiffs or defendants shall die *before* judgment, the action shall not abate if the cause of action survive or continue.

Abatement.

5. Execution on any judgment may issue on behalf of any person not a party to the action by leave of the registrar, upon proof of title to the benefit of the judgment, and upon substitution of the name of the new plaintiff, together with a statement of his derivative title for that of the original plaintiff, and the registrar shall give notice according to the form in the schedule of such substitution to the defendant by post, and execution shall not issue upon the judgment until the expiration of six clear days after the posting of the notice.

How execution may be issued by person not a party.

6. When one or more of *several* plaintiffs or defendants shall die *after* judgment, proceedings thereon may be taken by the survivors or survivor, or against the survivors or survivor, without leave of the court.

Death of party after judgment.

7. Execution or other process on a judgment shall not issue against any person not a party to the action or matter, except a plaint upon the judgment be entered in the nature of a *scire facias*, the proceedings in which shall be the same as in ordinary cases.

How execution against a person not a party may be obtained.

Representatives of deceased judgment-debtor may be sued.

8. Where a judgment has been given against a person deceased, his executors or administrators may be sued upon the judgment in the manner provided by the last preceding rule.

## ORDER XVI.

### TRIAL.

Notice of demand of a jury.

1. Notice of demand of a jury shall be made in writing to the registrar of the court three clear days before the day of trial, and the summonses to the intended jurors shall be delivered to the bailiff forthwith.

Adjournment in order to try by jury.

2. Where notice of a demand of a jury has not been given in due time, or if at the trial both parties desire to try by a jury, the judge may, on such terms as he shall think fit, adjourn the action in order that the necessary steps for such trial may be taken, and the trial shall take place accordingly.

Certain additional actions and cases may be tried by jury.

3. Actions for the recovery of land or tenements, or for any damages in respect of, or to enforce any right relating to land, or of interpleader and of replevin, and proceedings in the nature of *scire facias*, may, at the instance of either party, be tried by a jury.

Number of jurymen.

4. The number of jurymen summoned to attend at a court for the trial of actions shall be ten, unless the judge shall otherwise order.

Where plaintiff does not appear.

5. If at the return-day the plaintiff does not appear, and the defendant does appear, and does not admit the plaintiff's claim, the court may, in its discretion, award to the defendant costs in the same manner, and to the same amount, as to counsel, solicitor, witnesses, and other matters, as if the action had been tried, but no hearing fee shall be changed.

Where neither plaintiff nor defendant appear in cases under sect. 1 of 38 & 39 Vict. c. 60 (x), and 18 & 19 Vict. c. 67 (y).

6. Where a default summons has been issued and notice of defence has been given, and neither the plaintiff nor defendant appear at the return-day, the action shall be struck out; and where notice of defence has been given, and the defendant appears and the plaintiff does not appear, the action shall be struck out and costs ordered against the plaintiff, and where the plaintiff appears and the defendant does not, judgment may be entered for the plaintiff without further proof.

Solicitors to sign a roll.

7. No solicitor shall be allowed to appear for any person in a county court, until he has signed a roll or book to be kept by the registrar for that purpose, but no fee shall be payable for that purpose, and he shall, once in every year, if required by the registrar, produce his certificate for the year to the registrar, who shall note the fact on the roll.

No notice of employment of counsel or solicitor required.

8. It shall not be necessary for either party to give notice to the other, or to the court, of his intention to employ a barrister or solicitor to act as his advocate at the trial, and the allowance of costs for such barrister or solicitor shall not be affected by such want of notice.

Appointment of guardian ad litem to infant defendant.

9. Where an infant defendant appears at the return-day, and names a person willing to act as his guardian, and who then assents so to act, such person shall be appointed guardian accordingly; but if the defendant do not name a guardian, the judge may appoint any person in court willing to become guardian, or in default of such person the judge shall appoint the registrar of the court to be guardian, and the action shall proceed thereupon as if another person had been appointed guardian, and the name of the guardian appointed shall be entered according to the form in the schedule, but no responsibility shall attach to the person so appointed guardian at the instance of the court.

(x) See *ante*, pp. 3, 4.

(y) See Vol. I. pp. 189, 190.

10. Where at the return-day it shall appear that an action for the same cause at the suit of the same plaintiff is pending in any other court of record, the court shall order the plaint to be struck out unless the plaintiff shall undertake to discontinue the action in such other court, before a day to be named, to which the trial shall be adjourned, and unless before such adjourned trial such action shall have been discontinued, the plaint shall then be struck out.

Action pending in another court for same cause.

11. At the return-day the court may try the whole matter of the action and give judgment thereon, or grant any relief, redress, or remedy, or may make any order, or give any direction it may consider necessary to enable it to give a final judgment upon a day to which the trial may be adjourned, and may also make such order as to costs as it may think fit.

General jurisdiction of court on trial of action.

12. Where at the return-day it shall appear to the court that there are claims, estates, titles, or rights, or any equitable duties or liabilities, upon which he cannot adjudicate by reason of all the proper parties not being before the court, he may order such parties to be made plaintiffs or defendants, upon such terms as to adjournment, notices, and costs as he shall think fit.

Absent parties may be added on hearing.  
15 & 16 Vict. c. 86, s. 42 (2).

13. Where a counter or other claim has been made, or any incidental claim arises at the trial, and the judge thinks that such claim can be better disposed of by an independent action, he may order that such be excluded, whether any application is made to him or not.

Counter or other claim may be tried by an independent action.

14. If a person not originally a party to the action who has been served with a notice of counter or other claim does not appear at the trial, the judge may proceed with the trial, and give such judgment or make such order against the person so served and not appearing, or the judge may postpone the trial and give such directions and make such order as to costs as he shall think fit.

When a person brought in does not appear at trial.

15. Where two or more defendants are joined and judgment is given separately against each with costs, unless the judge shall otherwise order, the costs shall be apportioned according to the respective amounts of each judgment.

Separate judgments against defendants where more than one.

16. Where in any action a set-off or counter-claim is established as a defence against the plaintiff's claim, the court may, if the balance is in favour of the defendant, give judgment for the defendant for such balance, or may otherwise adjudge to the defendant such relief as he may be entitled to upon the merits of the case.

Judgment may be given for balance found due to defendant.

17. Any judgment of nonsuit, unless the judge otherwise directs, shall have the same effect as a judgment upon the merits for the defendant; but in any case of mistake, surprise, or accident, any judgment of nonsuit may be set aside on such terms, as to payment of costs and otherwise, as to the judge shall seem just.

Effect of nonsuit.

18. Where any of the parties to an action are officers of the court, the judge if he thinks fit may direct the trial to take place at some convenient court of which he is not the judge.

Action against officer of court.

## ORDER XVII.

### AMENDMENT.

1. Where an action has been commenced in the name of the wrong person as plaintiff, or where it is doubtful whether it has been com-

Change of plaintiff.

(2) See this section, note to Order V. r. 11, *ante*, p. 91.

menced in the name of the right plaintiff or plaintiffs, the court, if satisfied that it has been so commenced through a *bonâ fide* mistake, and that it is necessary for the determination of the real matter in dispute so to do, may, if the person or persons to be substituted or added consent thereto, order such other person or persons to be substituted or added upon such terms, as to notice and otherwise, as may seem just.

Where to  
persons made  
plaintiffs.

2. Where it appears at the trial that a *less* number of persons have been made *plaintiffs* than by law required, the name of the omitted person may, at the instance of either party, be added, by order of the court, on such terms as it shall think fit, and thereupon the action shall proceed, as to all matters, as if the proper persons had been originally made parties; and if such person shall, either at the trial or at some adjournment thereof, personally or by writing, signed by him or his solicitor, consent to become a plaintiff in manner aforesaid, the court shall then pronounce judgment as if such person had originally been made a plaintiff; but if such person shall not consent to become a plaintiff in manner aforesaid, either at the trial or at the adjournment thereof, judgment of nonsuit shall be entered, but such judgment of nonsuit shall not have the same effect as a judgment upon the merits for the defendant.

Change of de-  
fendant.

3. Where a person other than the defendant appears at the trial, and admits that he is the person whom the plaintiff intended to charge, or ought to have charged, his name may be substituted for that of the defendant, if the plaintiff consents, and thereupon the action shall proceed, as to all matters, as if such person had been originally named in the summons, and the costs of the person originally named as the defendant shall be in the discretion of the court.

Where party  
wrongly sued  
in a represen-  
tative cha-  
racter.

4. Where a party sues or is sued in a representative character, but it appears that he ought to have sued or been sued in his own right, the court may, at the instance of either party, on such terms as it shall think fit, amend the proceedings accordingly, and thereupon the action shall proceed, as to all matters, as if the proper description of the party had been given in the summons.

Where party  
ought to have  
been sued in  
a representa-  
tive cha-  
racter.

5. Where a party sues or is sued in his own right, but it appears that he ought to have sued or been sued in a representative character, the court may, at the instance of either party, on such terms as it shall think fit, amend the proceedings accordingly, and thereupon the action shall proceed, as to all matters, as if the proper description of the party had been given in the summons.

Amendment  
of name or  
description of  
plaintiff.

6. Where the name or description of a *plaintiff* in the summons is insufficient or incorrect, it may be amended at the instance of either party by order of the court, on such terms as it shall think fit, and thereupon the action shall proceed, as to all matters, as if the name or description had been originally such as it appears after the amendment has been made.

Amendment  
of name or  
description  
of defendant.

7. Where the name or description of a *defendant* in the summons is insufficient or incorrect, it may be amended at the instance of either party by order of the court, on such terms as it shall think fit, and thereupon the action shall proceed, as to all matters, as if the name or description had been originally such as it appears after the amendment has been made; but if no objection is taken to the name or description the action may proceed, and in the judgment, and all subsequent proceedings founded thereon, the defendant may be named and described in the same manner.

8. In actions by or against a husband, if a wife or husband be improperly joined or omitted, or if one of them be improperly substituted for the other, the summons may at the trial be amended at the instance of either party by order of the court, on such terms as it shall think fit, and thereupon the action shall proceed, as to set-off and other matters, as if the proper person had been made party to the action.

Improper joinder or omission of husband or wife in action against a husband.

9. Where it appears that a *greater* number of persons have been made *plaintiffs* than by law required, the name of the person improperly joined may, at the instance of either party, be struck out by order of the court, on such terms as it shall think fit, and thereupon the action shall proceed, as to all matters, as if the proper party or parties had alone been made plaintiffs.

Where too many persons made plaintiffs.

10. Where it appears at the trial that a *greater* number of persons have been made *defendants* than by law required, the name of the person improperly joined may, at the instance of either party, be struck out by order of the court, on such terms as it shall think fit, and thereupon the action shall proceed, as to all matters, as if the proper party or parties had alone been made defendants, and the cost of the person improperly joined as a defendant shall be in the discretion of the judge.

Where too many persons made defendants.

11. Where two or more persons are made defendants and some of them have not been served, the name or names of the defendant or defendants who have not been served, may, at the instance of either party, be struck out by order of the court, on such terms as it shall think fit; and thereupon the action shall proceed, as to all matters, as if the party or parties whose name or names have not been struck out, had alone been made defendant or defendants, or it may be adjourned for service of any defendant not served.

Where all defendants have not been served.

12. No action shall be defeated by reason of the mis-joinder of parties, and the court may in every action deal with the matter in controversy so far as regards the rights and interests of the parties actually before it. The court may, at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the court to be just, order that the name or names of any party or parties, whether as plaintiffs or as defendants, improperly joined be struck out, and that the name or names of any party or parties, whether plaintiffs or defendants, who ought to have been joined, or whose presence before the court may be necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the action, be added. No person shall be added as a plaintiff without his consent thereto. All parties whose names are so added as defendants shall be served with a notice in manner hereinafter mentioned, and the proceedings as against them shall be deemed to have begun only on the service of such notice.

Action not to be defeated by misjoinder of parties.

13. Any application to add or strike out or substitute a plaintiff or defendant may be made to the court at the trial of the action or to the judge under section four of "The County Courts Act, 1875" (a).

Application to add or strike out parties.

## ORDER XVIII.

### JUDGMENTS AND ORDERS.

1. All orders of adjournment or for the payment of costs, and all judgments for the payment of any debt or damages or costs, shall be

Entry of judgments.

(a) See *ante*, p. 6.



entered by the registrar in the minute book; but all special judgments or orders in the nature of decrees shall be settled by the registrar, and shall be sealed with the seal of the court and filed of record, and a minute of such filing with the date thereof shall be entered in the minute book.

Orders for payment of money or adjournments may be served by post.

2. Orders for payment of money or costs, or both, and orders of adjournment, when directed to be served, shall in all cases be prepared by the registrar of the home court, and delivered to the bailiff, who shall, within twenty-four hours send them, by post or otherwise, to the parties on whom they are respectively directed to be served: provided always, that it shall not be necessary for the party in whose favour any order has been made to prove, previously to his taking proceedings thereon, that it was posted or reached the opposite party.

No order of judgment by default.

3. Where judgment is entered up against a party served with a default summons no order need be drawn up or served.

Purposes for which certificate of a judgment required, to be stated.

4. Any person requiring a certificate of any judgment or order shall state in writing whether such certificate is required for the purpose of removing the proceeding to any other court, or for the purpose of evidence only; and in such latter case the registrar shall state thereon the purpose for which it is required.

Certain orders need not be drawn up.

5. Where the court gives leave to take any proceeding, it shall not be necessary to draw up any order, nor shall any order be drawn up to warrant such proceeding.

Form of order for payment.

6. Unless an order is made for payment forthwith, it shall be payable fourteen days from the date of the order unless the court otherwise directs, and where it is for the payment of any sum of money by instalments, such instalments shall be payable at such periods as the court shall order; and if no period be mentioned, the first shall become due on the twenty-eighth day from the day of making the order, and every successive instalment shall become due at a like period of twenty-eight days from the day of the previous instalments becoming due; and such instalments shall be paid into court in accordance with sect. 45 of "The County Courts Act, 1856" (b).

19 & 20 Vict. c. 108, s. 45.

Notice of payments into court.  
Form .

7. When an order is made for payment by instalments or otherwise, the registrar shall give notice to the plaintiff by post, according to the form in the schedule, of every payment made: provided that such notice shall not be given where the payment does not exceed ten shillings.

Judgments under sect. 11 of 30 & 31 Vict. c. 142.

8. Where in an action brought under sect. 11 of "The County Courts Act, 1867" (c), to recover land, or damages in respect of any right relating to land, the title of the plaintiff shall appear to have existed, as alleged in the summons, at the time of the entry of the plaint, but to have expired before the return-day, the plaintiff shall be entitled to judgment according to the fact that he was so entitled and for his costs of suit, unless the court shall otherwise order.

Execution on judgments under 30 & 31 Vict. c. 142, s. 11.

9. Where in an action brought under sect. 11 of "The County Courts Act, 1867" (c), to recover land, judgment is given for the plaintiff, execution may issue upon a day to be named in the judgment, and if no day be named, then it may issue after the expiration of fourteen clear days from the day on which judgment shall have been given.

Separate warrants for possession and

10. Where in an action brought under sect. 11 of "The County Courts Act, 1867" (c), to recover land, judgment has been obtained for

(b) See Vol. I. p. 285.

(c) See Vol. I. p. 35.

the recovery of possession and costs, there may be either one warrant or separate warrants of execution for the recovery of possession, and for the costs at the election of the plaintiff.

11. Where in an action brought under sect. 11 of "The County Courts Act, 1867" (d), to recover land, judgment is given for the defendant or any of them with costs, executions may issue for the costs against the plaintiffs upon a day to be named in the judgment, and if no day be named then it may issue after the expiration of fourteen clear days from the day on which judgment shall have been given.

12. Where in any action the right or title to any easement shall come in question, and the right or title to such easement shall be proved to the satisfaction of the judge, the judge may, in addition to giving judgment for the successful party for his damages and costs, or for costs, as the case may be, make an order in the nature of an injunction requiring the party interrupting or obstructing the user of such easement to permit the other party to use and enjoy such easement free from interruption.

13. Where an order directs any deed to be prepared and executed, it shall state by what party the said deed shall be prepared, and to whom it shall be submitted for approval, and if the parties cannot agree upon the form thereof, the judge may, upon the application of either party, settle the same himself, or name a conveyancing counsel by whom the same shall be settled, subject to the final approval of the judge.

14. Where real property is ordered to be sold, the order shall direct who shall have the conduct of the sale, and by whom the conditions and contracts of sale, and the abstract of title, shall be prepared. And where any conditions or contracts are ordered to be settled by a conveyancing counsel, it shall name the counsel to whom they are to be submitted.

15. Where an order directs any personal property to be sold, the same shall be sold, under the superintendence of the high bailiff, by public auction, unless the court shall otherwise direct.

16. Where an order directs that any account be taken or inquiry made, such account shall be taken and inquiry made by the registrar, and he shall for that purpose have all the powers which a chief clerk of the master of the rolls, or a vice-chancellor of the Court of Chancery had prior to 1st November, 1875, and all parties shall have the same power of summoning witnesses, including as witnesses any parties in the action, and of examining them on such accounts or inquiries, and of compelling the production of documents, as they would have upon the trial of an action; and all rules as to the summoning, swearing and examining of witnesses, and the production of documents at the trial, shall be applicable (as far as may be) to such summoning, swearing, examining and production on taking any such accounts, or prosecuting any such inquiries.

17. Where the registrar is ordered to make inquiries or to take accounts, he shall by summons, according to the form in the schedule, and returnable not less than seven days from the date of the order, addressed to all parties entitled to attend, direct such parties to attend at his office or at the court, for the purpose of proceeding with such inquiries or accounts. In all cases in which advertisements are ordered

costs in judgments under 30 & 31 Vict. c. 142, s. 11.

Executions for costs against plaintiff in action under 30 & 31 Vict. c. 142, s. 11.

Injunction in action involving title to easement.

Where order directs a deed to be prepared.

Sale of real property.

Sale of personal property.

Accounts, how to be taken.

Registrar to appoint time and place for inquiries and taking accounts.  
Form

the return-day shall not be less than twenty-one days, and the registrar shall forthwith prepare and insert advertisements in conformity with such order, stating the time, place and purpose of such sitting, and shall insert the same fourteen days previous to such sitting.

**Hearing before registrar.** 18. Upon the day so appointed, or at any adjourned sitting, the registrar shall sit at the time and place appointed, and shall hear all parties interested, their counsel or solicitors.

**Books of accounts to be taken as *prima facie* evidence of truth of matters therein.** 19. Where an order directs accounts to be taken, any books of account in which the accounts required to be taken, or any of them, have been kept, shall, unless the judge shall otherwise direct, be taken as *prima facie* evidence of the truth of the matters therein contained, with liberty to the parties interested to take such objections thereto as they may be advised.

**Advertisements for creditors in administration.** 20. Every advertisement for creditors or other persons having any claim upon or interest in the distribution of any assets to be administered by the court, which shall be issued pursuant to any order, shall direct every such creditor or other person, by a time to be thereby limited, to send to the registrar his name and address, and the full particulars of his claim or interest, and a statement of his account, and the nature of the security (if any) held by him, and at the time of directing such advertisement a time shall be fixed for adjudicating on the claims.

**Creditors need not prove unless required.** 21. No such creditor or other person need make any affidavit, or attend in support of his claim, unless he is served with a notice requiring him to do so, as herein-after provided.

**Creditors holding security to produce same.** 22. Every creditor shall produce or transmit to the registrar any security held by him, at such time as shall be specified in the advertisement for that purpose, being the time appointed for adjudicating on the claims; and every creditor shall, if required, by notice in writing to be given by the registrar, produce or transmit to the registrar all other deeds and documents necessary to substantiate his claim before the registrar at his office at such time as shall be specified in such notice.

**Pedigree if required, to be produced.** 23. Every person claiming as heir-at-law, devisee, next of kin, or legatee shall, if required, by notice in writing to be given by the registrar, produce or transmit to the registrar any pedigree or proof mentioned in such notice within such time as shall be therein specified.

**Creditor refusing to have no costs.** 24. In case any creditor or other person shall neglect or refuse to comply with the two last preceding rules, he shall not be allowed any costs of proving his claim, unless the registrar shall otherwise direct.

**Allowance of debts or claims.** 25. At the time appointed for adjudication upon the debts or claims, the registrar shall take the evidence of the executor, administrator, or other accounting party upon such debts or claims, and may thereupon, in his discretion, allow any of such debts or claims without further proof, and may direct such investigation of all or any of the debts or claims not allowed, and require such further particulars, information, or evidence relating thereto as he may think fit, and may, if he so think fit, require any creditor or other person to attend and prove his claim, or any part thereof; and the adjudication on such claims as are not then allowed shall be adjourned to a time to be then fixed.

**Notice of allowance or non-allowance of claim.** 26. Notice of allowance shall be given by the registrar to every creditor or other person whose claim, or any part thereof, has been allowed, and notice shall also be given by him to every such creditor or other person whose claim or any part thereof has not been allowed to attend and prove his claim or such part thereof as is not allowed, by a time to be named in such notice, not being less than seven days after

such notice, and to attend at a time to be therein named, being the time to which the adjudication thereon shall have been adjourned; and in case any creditor or other person shall not comply with such notice, his claim, or such part thereof as aforesaid, shall be disallowed.

27. Any such creditor or other person who has not before sent in the particulars of his claim pursuant to the advertisement, may do so two days previous to any day to which the adjudication is adjourned.

Claim may be sent in before adjudication.

28. If any claim be sent in after the time fixed by the advertisement (except as before provided in case of an adjournment), the registrar may, upon special application, entertain the same, upon such terms and conditions as to costs and otherwise as he thinks fit.

Where claim sent in after time fixed.

29. In taking any account, all just allowances shall be made without any directions for that purpose in the order to take such account.

Just allowances.

30. Where a registrar has been ordered to certify to the court upon any matter, he shall present to the court a certificate in writing signed by him.

Registrar's certificate.

31. The registrar shall prepare his certificate seven days before the day appointed for presenting the same, and shall give notice by post to all parties to the action that the same lies in his office for the inspection of any parties interested therein or affected thereby; and he shall deliver a copy thereof to any person requiring the same, upon payment of the costs of such copy.

Registrar's certificate to lie in office.

32. Where any party interested in, or affected by, the registrar's certificate desires to have the same varied, he shall apply by himself, his counsel or solicitor, at the court on the day appointed for presenting the same, and the judge shall thereupon hear and determine such application, and shall confirm or vary the certificate, and make such further order thereupon as he may think fit.

Variation of registrar's certificate.

33. If no application shall be made to vary the certificate, it shall be taken as confirmed, unless the judge shall otherwise order.

Confirmation of certificate.

34. Where the registrar, high bailiff, receiver, or any party has by any order been directed to do any act, for doing which it may be found necessary to have further directions or an order of the court, the registrar shall apply to the judge for such direction or order, and upon such application the judge may give such direction or make such order as he may think fit, or may appoint a time to hear all parties upon the application so made by the registrar; and if the judge shall make such appointment for hearing, the same shall operate as a stay of proceedings in the action until the day so appointed, if he shall so direct.

Application to judge for further directions.

35. Where any matter is referred to the registrar by an order, he shall, as soon as conveniently may be, ascertain if there are any parties who, if the order had been made in a suit pending in the Chancery Division of the High Court of Justice, ought, under the 42nd section of the 15 & 16 Vict. c. 86, to be served with a notice under rule 8 of such section (e).

Absent parties.

36. Where it shall be necessary to serve any parties with the notice mentioned in the last preceding rule, the same shall be prepared by the registrar, and issued by him to the bailiff who shall serve the same, and upon such notice the party served therewith may attend the proceedings under the order.

Notices to absent parties.

37. Any party who shall be served with a notice under the last preceding rule, may apply to the court at the next sitting, or by leave of

Absent parties may apply for

variation of order.

Order upon any question between defendant and other person not being plaintiff.

the judge at any subsequent sitting, to cancel, vary, or add to the order.

38. Where a defendant desires to have the judgment or order of the court upon any question between himself and any person other than the plaintiff, he shall ten days before the return-day give notice in writing to the person against whom, or as to whom he desires such judgment or order, that he will at the time of the trial apply to the court for such judgment or order, and shall set forth in such notice the substance of the judgment or order for which he so intends to apply.

## ORDER XIX.

### ENFORCEMENT OF JUDGMENTS AND ORDERS.

Enforcement of order for payment of money.

1. Every order for the payment of money may be enforced in the same manner as a judgment for debt or damages is enforced under sect. 94 of "The County Courts Act, 1846" (f).

#### *Warrants of Execution against the Goods.*

Date of warrants of execution.

2. Warrants of execution against the goods shall bear date on the day on which they are issued, and shall continue in force for twelve calendar months from such date and no longer.

Where default made, execution may issue.

3. Where a defendant has made default in payment of the whole amount awarded by the judgment, or where the judgment was for payment by instalments of an instalment thereof, a warrant of execution, without leave of the court, may issue against his goods; and such execution shall be for the whole amount of the judgment and costs then remaining unsatisfied, unless in the case of instalments the judge shall otherwise specially direct in each case.

Indorsement on warrant.

4. The registrar shall, on issuing a warrant of execution against the goods, indorse on such warrant the amount to be levied, distinguishing the amount adjudged to be paid, and the amount of the fee for issuing the warrant; and shall prepare and deliver to the bailiff with the warrant a notice according to the form in the schedule annexed; and the bailiff, upon levying, shall deliver such notice to the party against whom the execution has issued, or leave the same at the place where the execution is levied.

Concurrent warrants.

5. Warrants of execution against the goods may be issued concurrently into one or more districts, provided that the costs of more than one warrant shall not be allowed against the execution debtor unless by order of the court.

#### *Judgment-Summons.*

Judgment-summons to be served personally.

6. No order of commitment under "The Debtors Act, 1869," (g) shall be made unless a summons to appear and be examined on oath, hereinafter called a judgment-summons, shall have been personally served upon the judgment-debtor.

Where judgment-summons may issue.

7. A judgment-summons shall not be issued by a court unless the debtor resides or carries on business or is employed within its district, or unless leave of the judge under section 48 of "The County Courts Act, 1856" (h), has been given, and a minute thereof entered,

19 & 20 Vict. c. 108, s. 48.

(f) See Vol. I. p. 80.

(h) See Vol. I. p. 357.

(g) See Vol. I. p. 352.

after hearing in open court the grounds on which the leave is asked; but the districts of the courts referred to in section 3 of "The County Courts Act, 1867," (i) shall be deemed to be one district, so far as relates to the issuing of judgment-summons by the court in which action was brought.

8. Where a judgment-creditor desires to apply for a judgment-summons to a county court other than the county court in which the order or judgment was obtained, he shall obtain from the registrar of the county court in which the order or judgment was obtained, a certified copy of the order or judgment in the action, according to the form in the schedule, and file the same with his application.

Where judgment-summons applied for in court in which judgment was not obtained.  
Form .

9. Where a party desires to enforce by commitment in any county court a judgment of any competent court, he shall obtain from such court an office copy of the judgment he desires so to enforce, and shall file such office copy, together with an affidavit of the sum then due thereon, with the registrar of the court of the district in which the party, against whom the same is to be enforced, resides or carries on business, who shall thereupon issue a judgment-summons.

Where judgment-summons required on a judgment of a court other than a county court.

10. Every judgment-summons shall be according to the form in the schedule, and be issued not less than ten clear days, and be served not less than five clear days, before the day on which the judgment-debtor is required to appear, except in the case provided for by the next following rule.

Form of judgment-summons.

11. Where the person applying for the judgment-summons shall state to the registrar that the judgment-debtor is about to remove from his dwelling or place of business, or is keeping out of the way to avoid service, then the judgment-summons may be issued and served at any time before the hearing: provided that the court shall not act upon a summons issued under this rule, unless at the hearing the judge is satisfied, by evidence on oath, that at the time of the application for the judgment-summons such party was about to remove from his dwelling or place of business, or was keeping out of the way to avoid service, in either of which cases service upon the party at any time before the time appointed for the appearance of such party shall be sufficient.

Where judgment-debtor about to remove.

12. A judgment-summons may issue without leave of the court, except in cases provided for either by section 48 of "The County Courts Act, 1856" (k), or by the last rule, or where the judgment is more than six years old.

Judgment-summons may issue without leave of court, except in certain cases.  
Successive judgment-summons.

13. Where a judgment-summons has not been served within due time by a bailiff, a successive summons may be issued without fee, and may be served by any person the judge or registrar may direct; but if such successive summons is not served in due time, no further successive summons shall be allowed, but a fresh summons may be issued on payment of the fee.

14. The hearing of a judgment-summons may be adjourned from time to time.

Adjournment.

15. Any witness may be summoned to prove the means of the judgment-debtor, in the same manner as witnesses are summoned to give evidence upon the hearing of a plaint; and the expenses of any person examined by the court, whether summoned or not, may be allowed by the court.

Witness may be summoned.

(i) See Vol. I. pp. 147, 361.

(k) See Vol. I. p. 357.

On issue of judgment-summons, where warrant of execution has been issued it shall be returned into court

Where order of one court altered by another court, proceedings to be continued in latter.

Minute that a certificate has been given to be made.

Bankrupt not to be committed.

No commitment when adjudication takes place after order of commitment. Form

Discharge of bankrupt judgment-debtor.

Form of order of commitment. Form

Payment on arrest.

Payment in prison.

16. Upon the issue of a judgment-summons against a party upon an order or judgment of the court issuing the judgment-summons, the bailiff of such court shall return into court any warrant of execution against the goods of such party which may have been issued in the action.

17. Where a judgment-summons is heard in a court other than that in which the order or judgment was obtained, and an order is made altering the terms of the order or judgment, all payments under the new order shall be made into, and execution or other process shall be issued by, the court which has so altered the order.

18. Where a certified copy of a judgment is obtained from the registrar of a county court, he shall make on the minute of the judgment a memorandum of having given such certificate, and no warrant of execution against the goods or judgment-summons upon such judgment shall issue from such court, unless it be shown to the satisfaction of the court or registrar that no order has been made against the execution debtor in any other court.

19. Where a judgment-debtor shall upon the return-day of a judgment-summons satisfy the court that he has been adjudicated a bankrupt, and that the debt was provable in the bankruptcy, or that, in respect of the debt, resolutions have been duly registered under the 125th or 126th sections of "The Bankruptcy Act, 1869" (1), no order of commitment shall be made.

20. Where a judgment-debtor shall, after the making of an order of commitment against him, file, in the court in which the order was made, an affidavit according to the form in the schedule, stating that he has been adjudicated a bankrupt, and that the debt was provable in the bankruptcy, or that in respect of the judgment debt resolutions have been duly registered under either of the before-mentioned sections of "The Bankruptcy Act, 1869" (1), and at the same time give notice to the judgment-creditor of the filing of the affidavit, no such order shall issue, or if issued but not executed shall be recalled.

21. Where a judgment-debtor is arrested, he may file in the county court within the district of which he is in custody, an affidavit as mentioned in the last preceding rule, and give the notice to the judgment-creditor thereof, as therein required, and thereupon the judgment-debtor shall be discharged out of custody upon the certificate of the registrar of that court.

22. An order of commitment made under "The Debtors Act, 1869," shall be according to the form in the schedule, and shall, on whatever day it may be issued from the registrar's office, bear date on the day on which the order for commitment was made, and shall continue in force for one year from such date and no longer.

23. When an order of commitment for non-payment of money is issued, the defendant may, at any time before his body is delivered into the custody of the gaoler, pay to the bailiff the amount indorsed on the order as that, on the payment of which, he may be discharged; and on receiving such amount the bailiff shall discharge the defendant, and shall within twenty-four hours after receiving such amount pay over the same to the registrar of the county court of which he is an officer.

24. The sum indorsed on the order of commitment, as that upon payment of which the prisoner may be discharged, may be paid into the

(1) See these sections, Vol. II. pp. 373, 378.

court from which the commitment order was issued, or to the gaoler in whose custody the prisoner is, or into the foreign court into which it has been re-issued under sect. 104 of "The County Courts Act, 1846" (m). Where it is paid to the registrar, he shall sign and seal a certificate of such payment, and upon receiving such certificate by post or otherwise, the gaoler, in whose custody the prisoner shall then be, shall forthwith discharge such prisoner. And where it is paid to the gaoler, he shall, upon payment to him of such amount, together with costs sufficient to pay for transmitting such amount to the court under the order of which the prisoner was committed, by post-office order, sign a certificate of such payment, and discharge the prisoner, and such costs of transmission shall be part of the prescribed costs.

9 & 10 Vict.  
c. 95.

25. A certificate of payment by a prisoner shall be according to the form in the schedule.

Form of cer-  
tificate of  
payment.  
Form

26. If a judgment-debtor appears at the return-day, but the judgment-creditor fails to appear, the judge may award costs to the judgment-debtor.

Costs on  
default of  
appearance of  
a judgment-  
creditor.

27. All costs incurred by the plaintiff in endeavouring to procure or enforce an order of judgment shall be deemed to be due in pursuance of such order or judgment under section 5 of "The Debtors Act, 1869" (n), unless the judge shall otherwise order.

Costs of en-  
forcing a  
judgment.  
32 & 33 Vict.  
c. 62, s. 5.

#### *Process other than Execution or Judgment-Summons.*

28. On the application of the party entitled to the benefit of any order mentioned in the three next following rules, the registrar shall issue to the bailiff a copy of such order under the seal of the court, with a notice to the party to be bound indorsed thereon, and the bailiff shall forthwith serve the same upon the party to whom such notice is addressed, and no process shall issue to enforce any such order, unless by leave of the judge, until three days after the copy and notice shall have been served upon the party to be bound thereby, in the same manner as an ordinary summons may be served; but where the order is in the nature of an injunction, the registrar shall, if the party by whom it was obtained desires to have the same served by his solicitor, allow it to be so served.

Service of  
order men-  
tioned in the  
three next  
following  
rules shall not  
be enforced  
until three  
days after  
order made.

29. Where an order has been made in any action or proceeding for the delivery up to any person of lands or tenements, goods or chattels, either as owner thereof, or to be sold, or to be held in possession until an order is made as to the disposition thereof, the registrar shall, upon the application of the person entitled to such possession, issue to the bailiff either a warrant of possession, or warrant of assistance, as the case may require.

Warrant of  
possession.

30. Where any breach of an order in the nature of an injunction shall have been made, the registrar shall, upon application by the party interested in the enforcement of such order, issue to the high bailiff, or to such person for service by his solicitor, a notice under the seal of the court, requiring the person who shall have been guilty of the breach of the said order to appear at a court, to be held on a day to be named therein, to show cause why he should not be committed for contempt for having disobeyed the said order.

Breach of an  
injunction.

31. Where any person acting in a fiduciary capacity is required by order to pay any sum of money in his possession or under his control,

Process of  
contempt in  
certain cases.

(m) See Vol. I. p. 315.

(n) See Vol. I. p. 353.



and does not pay the same, or where any person is required by any order to do an act within a certain number of days after service of the copy of the order, and such person shall not do such act within the time mentioned therein, the registrar shall, upon application by the party interested in the enforcement of the order, issue to the high bailiff, or to such person for service by his solicitor, a notice under the seal of the court, requiring the person who shall have neglected to obey the order to appear at a court, to be held on a day to be named therein, to show cause why he should not be committed for contempt in having neglected to obey such order.

*Proceedings on Judgment after Six Years.*

No proceedings to be taken on a judgment after six years without leave of court.

32. No warrant against the goods, or judgment-summons, shall issue on a judgment more than six years old, unless some payment has been made by the judgment-debtor into court within twelve months previously, or unless by leave of the court, but no notice to the debtor, previous to applying for such leave, shall be necessary, and such leave shall be expressed on the warrant or summons under the seal of the court.

Judgment by married woman sued as a feme sole, how enforced.

33. When a female, sued as a single woman, obtains judgments on the ground of coverture, and is awarded costs, she may enforce payment of such costs in her own name.

**ORDER XX.**

**ACTIONS REMITTED FROM OR TRANSFERRED TO THE HIGH COURT OF JUSTICE.**

Remittance of actions from High Court of Justice.

1. Where any action is remitted by order of the High Court of Justice to a county court, the plaintiff shall lodge with the registrar thereof the order and the writ, and also a statement of the names and addresses of the several parties to the action, and their solicitors, if any, and a concise statement of the particulars, such as would be required upon entering a plaint, signed by the plaintiff or his solicitor, and the registrar shall thereupon enter the action for trial and give notice to the parties of the day appointed for such trial, by post or otherwise, ten clear days before such day, and shall annex to the notice to the defendant a copy of the particulars.

Defendant may proceed as if action originally brought in county court. Order to be filed.

2. Upon being served with a notice of trial under the last preceding rule, a defendant may proceed in all things in the same way as if the action had been brought in the county court, and the notice so served upon him was an ordinary summons.

3. The registrar shall forthwith indorse on the order the date on which the same was lodged and file the same, and the action shall proceed in all things as if it were an ordinary action in the county court.

Special notice in action for libel or slander.

4. Where in any action for libel or slander remitted under sect. 10 of "The County Courts Act, 1867," (o) to be tried in a county court, the defendant intends to avail himself of the provisions of sects. 1 and 2 of 6 & 7 Vict. c. 96, (p) he shall give notice in writing of such intention, signed by himself or his solicitor, to the registrar five clear days before the day appointed for the trial of the action.

(o) See Vol. I. p. 448.

(p) See Vol. I. p. 452, note (a).

5. If during the progress of any action upon any claim or title, or to obtain any relief, remedy, or redress which might respectively before the 1st November, 1875, have been the subject of a plaint or petition in equity, it shall be made to appear that the subject matter of the plaintiff's claim exceeds the amount to which the jurisdiction of the court is limited, the judge, if requested, may forthwith make an order for the transfer of the action to the Chancery Division of the High Court of Justice, but if not so requested the order shall not be made before fifteen days at least; and the registrar shall make and file a copy of such order, and shall transmit the order, by post or otherwise, to the proper officer of the Chancery Division of the High Court of Justice, and shall also send notice, by post or otherwise, of the fact, to all parties and persons entitled to be served with a copy of the order.

Transfer of action to High Court of Justice by order during progress of action under 28 & 29 Vict. c. 99, s. 9 (g).

6. If during the progress of taking any accounts or making any inquiries in any action for any claim, right, redress, or remedy which might before the commencement of "The Supreme Court of Judicature Act, 1873," have been enforced in equity, it shall appear to the registrar that the subject matter of the action exceeds the amount to which the jurisdiction of the court is limited, he may if he thinks fit proceed with and complete the particular account or inquiry, but he shall at the next sitting of the court present a certificate of the state of the proceedings in the action, and if the judge shall be of opinion that such excess exists, he shall make an order of transfer as under the last preceding rule.

Transfer to High Court of Justice under sect. 9 of 28 & 29 Vict. c. 99 (g), where upon taking of accounts amount of jurisdiction of county court is found to be exceeded.

7. Where any order is made by the High Court or any division or judge thereof for the transfer of any proceeding from the county court to the High Court under the 90th sect. of "The Supreme Court of Judicature Act, 1873" (r), or under sect. 3 of "The County Courts Act, 1865" (s), then, subject to such order, the record in such proceeding shall be transmitted by the registrar in the following manner. The registrar shall make and certify under his hand office copies of all entries of record in the books of the court, and shall forthwith transmit by post or otherwise such copies, together with all such documents as shall have been filed in the action to the proper officer of the High Court. Such copies and the cost of transmission shall be paid for by the party on whose application the transfer has been made, and the registrar may require deposit of the costs of making such copies and transmission before making or transmitting the same.

Transfer of proceedings to High Court under sect. 90 of Judicature Act, 1873, or 28 & 29 Vict. c. 99, s. 3.

## ORDER XXI.

### INTERPLEADER.

1. Where any claim is made to or in respect of any goods or chattels taken in execution under the process of any county court, or in respect of the proceeds or value thereof, and summonses have been issued on the application of the bailiff, such summonses shall be served in such time and mode as hereinbefore directed for an ordinary summons to appear to a plaint, and the case shall proceed as if the claimant were the plaintiff, and the execution creditor the defendant; provided that where the claimant has not at the request of the bailiff made deposit in

Proceedings generally.

(g) See Vol. I. p. 45, and Vol. II. p. 109.

(r) See Vol. I. p. 58.

(s) See Vol. II. p. 109.

Claimant to lodge particulars and grounds of claim.

accordance with sect. 72 of "The County Courts Act, 1856" (t), the time of service may, if the high bailiff so desires, by leave of the judge or registrar, be such time as will obtain a speedy decision on the claim.

2. The claimant shall, five clear days before the return-day, deliver to the bailiff, or leave at the office of the registrar of the court, a particular of any goods or chattels alleged to be the property of the claimant, and the grounds of his claim, or in case of a claim for rent of the amount thereof, and for what period, and in respect of what premises, the same is claimed to be due, and the name, address, and description of the claimant shall be fully set forth in such particular, and any money paid into court under the execution shall be retained by the registrar until the claim shall have been adjudicated upon: provided that by consent of all parties, or without such consent if the judge shall so direct, an interpleader claim may be tried, although this rule has not been complied with.

Claim or damage.

3. Where the claimant to goods taken in execution claims damages from the execution creditor or from the high bailiff for or in respect of the seizure of the goods, he shall in the particulars of his claim to the goods state the amount he claims for damages, and the grounds upon which he claims damages.

Claim of damages against high bailiffs.

4. Where an execution creditor claims damages against a high bailiff arising out of the execution of any process, he shall five clear days before the return-day deliver to the high bailiff a notice of such claim, stating the grounds for, and amount of, such claim.

Payment into court of damages claimed under 30 & 31 Vict. c. 142.

5. Where a claim for damages under sect. 31 of "The County Courts Act, 1867" (u), is made against any high bailiff and execution creditor, or either of them, they or either of them may pay into court money in full satisfaction of such claim for damages, and such payment into court shall be made in the same manner and have the same effect, and the parties respectively shall have the same rights and remedies, as by the practice of county courts they would respectively have if the proceeding had been an action in which the claimant was plaintiff, and the high bailiff and judgment creditor defendants.

Interpleader summons.

6. Interpleader summonses shall be issued by the registrar, on the application of the bailiff, without leave of the court.

Whence issued.

7. Interpleader summonses shall be issued from the court of the district in which the levy was made, and the execution creditor and claimant shall be summoned to such court.

Costs where decision against claimant.

8. Where the claim to any goods or chattels taken in execution, or the proceeds or value thereof, shall be decided against the claimant, the costs of the bailiff allowed by the judge shall be retained by him out of the amount levied, if the judge shall not otherwise order, but without prejudice to the right of the execution creditor against the claimant for the sum so retained.

Where assignor disputes an assignment.

9. Where the defendant in an action brought by the assignee of a debt or chose in action has had notice that the assignment is disputed by the assignor, or any one claiming under him, or has had notice of any other opposing or conflicting claims to such debt or chose in action, he may, within five days of the service of the summons, apply to the registrar for a summons against the assignor or the person making such conflicting claim, and the registrar shall thereupon issue an interpleader summons according to the form in the schedule, returnable as soon as

Form

(t) See Vol. I. p. 374.

(u) See Vol. I. p. 373.

conveniently may be, and upon the return-day of such summons the court shall hear the case of the defendant and of the plaintiff in the action, and also of the assignor disputing such assignment or of the person making such opposing or conflicting claim, and shall give such judgment therein as shall finally determine the rights and claims of all parties, as if the same had been an ordinary action into which a third party had been introduced by counter-claim.

10. Where a defendant in an action brought by the assignee of debt or chose in action has had notice as in the last preceding rule mentioned, and thinks fit to pay the debt and costs into court to abide its decision, he shall upon such payment into court give to the registrar the name of the person against whose dispute of the assignment or conflicting claim he desires to be protected, and the registrar shall thereupon give notice to such person according to the form in the schedule form, and on the return-day of the summons the judge shall determine the rights of the parties, and may if he thinks fit order the defendant to pay all or any part of the costs.

Defendant in an action by assignee may pay money into court.

Form

## ORDER XXII.

### REPLEVIN.

1. In actions of replevin no other cause of action shall be joined in the summons.

No other cause to be joined.

2. On entering a plaint in replevin, the plaintiff must specify and describe in a statement of particulars, the cattle, or the several goods and chattels taken, and of the distress or other taking of which he complains.

Particulars.

3. All actions of replevin in cases of distress for rent in arrear, or for damage feasant, shall be tried in a summary way as other actions in the courts holden under the authority of "The County Courts Act, 1846" (x), and the judgment therein, in ordinary cases, whether for plaintiff or defendant, shall be according to the forms set forth in the schedule.

Rent in arrear or damage feasant.  
9 & 10 Vict.  
c. 95.

4. Where the distress is for rent, or for any other claim for which a distress may be lawfully taken, and the defendant succeeds in the action, if the defendant require, the court shall, if the action be tried without a jury, and the jury shall, if the action be tried with a jury, find the value of the goods distrained, and if the value be less than the amount of rent or otherwise of money in arrear, judgment shall be given for the amount of such value, but if the amount of the rent or such other sum of money in arrear be less than the value so found, judgment shall be given for the amount of such rent or other sum of money, and may be enforced in the same manner as any other judgment of the court.

Where defendant succeeds in action where distress is for rent.

5. Where the distress is for damage feasant, and the defendant is entitled to judgment for a return, if the plaintiff require, the judge shall, if the action be tried without a jury, and the jury shall, if the action be tried with a jury, find the amount of the damage sustained by the defendant, and judgment shall then be given in favour of the defendant, in the alternative, for a return, or for the amount of the damage so found.

Where defendant entitled to a return in damage feasant.

(x) See sect. 74 of that act, Vol. I. p. 67, and see also the general course of procedure on the trial, *Id.* Chapter VIII.

D.C.C.

K

In other  
cases.

6. In all cases of replevin, other than those arising out of a seizure by way of distress, the judgment for the defendant shall be for a return of the goods with or without costs.

### ORDER XXIII.

#### ARBITRATION.

Practice in.

9 & 10 Vict.  
c. 96, s. 77.

1. Where a plaint is entered, the court may, with the consent of the parties, as well in cases within the ordinary jurisdiction of the court as in cases of agreement under section 23 of "The County Courts Act, 1856" (y), make an order for a reference, under the provisions of section 77 of "The County Courts Act, 1846" (z), before, upon, or after the return-day; and all the provisions in the last-mentioned act contained as to references shall apply to a reference proceeding under such an order; provided that the same fees shall be paid as would have been payable on a judgment by default.

### ORDER XXIV.

#### ATTACHMENT OF DEBTS.

Where plaintiff desires defendant to be examined at the trial as to the debts due to him he must give notice.

Examination of defendant as to debts owing to him.

Order thereupon.

Proceedings against garnishees.

30 & 31 Vict.  
c. 142, s. 1.

1. Where a plaintiff is desirous that the defendant, if the defendant shall have judgment given against him, shall be orally examined forthwith after the judgment shall have been given, as to what debts are due and owing or accruing to him, the plaintiff shall, before the action is called on, lodge with the registrar a statement in writing of the name, address, and description of the person or persons whom he considers are debtors to the defendant and who quoad such debts are within the jurisdiction of the court.

2. Where such a statement has been lodged, the defendant, if he shall have had judgment given against him, may then be examined before the court at the request of the plaintiff as to any debts due, owing, or accruing to the defendant from any persons mentioned in the statement, and if any such person be then present, he may be required forthwith, if he admits the debt, to show cause why he should not be ordered to pay into court, for the benefit of the judgment creditor, such debts or so much thereof as will satisfy the judgment debt, and the court may make an order for the payment of such debts, or so much thereof as will satisfy the judgment debt, and such order shall be entered in the minute book, and may be enforced in like manner as any order made in any action in the court; and where such person pays the money as ordered, he shall not be liable for any costs, and an entry of the payment shall be made in the "cash book" and "ledger."

3. A plaintiff who has not lodged such statement, or a defendant who has obtained judgment against a plaintiff, may at any time after the judgment, upon lodging with the registrar of the court in which the judgment was given an affidavit stating the fact of the judgment, and of its being unsatisfied, and that a third person (hereinafter called the garnishee) is indebted to the judgment-debtor, and is quoad such debt within the jurisdiction of the court, and could be sued therein without leave or by leave under section 1 of "The County Courts Act, 1867" (a),

(y) See Vol. I. p. 33, and also p. 149.

(z) See Vol. I. p. 237.  
(a) See Vol. I. p. 140.

may enter a plaint to obtain payment to him of the amount of the debt due to the judgment-debtor from the garnishee, and where the garnishee is not quoad such debt within the jurisdiction of the court, the judgment-creditor, upon lodging a certificate of the judgment and a copy of the said affidavit with the registrar of the court in the district of which the garnishee resides or carries on business, may enter a plaint therein.

4. The summons on the plaint shall be personally served on the garnishee, and when so served it shall attach in the hands of the garnishee all debts due, owing, or accruing from him to the judgment-debtor.

Service of  
garnishee  
summons.

5. Where the garnishee shall pay the money into court five clear days before the return-day, he shall not be liable for any costs incurred by the judgment-creditor.

No costs  
where gar-  
nishee pays.

6. Upon the return-day the court shall determine as to the liability of the garnishee, and as to the party by whom the costs of the proceeding by plaint shall be paid, and make an order or orders in accordance with such determination.

Order on  
trial.

7. Where the court in which the garnishee is sued is not the court in which the judgment upon which he is garnished was given, the registrar of such court shall send a certificate of the order of his court to the court in which such judgment was given, and of payment made, if any, before or after the return-day.

Certificate of  
order and  
payment to  
be sent.

## ORDER XXV.

### PROCEEDINGS BY AND AGAINST EXECUTORS AND ADMINISTRATORS.

1. In actions by executors or administrators, if the plaintiff fail, the costs shall, unless the court shall otherwise order, be awarded in favour of the defendant, and shall be levied *de bonis propriis*.

Costs where  
plaintiff fails.

2. Where an executor or administrator, plaintiff or defendant, shall not appear on the day of hearing, the provisions of sections 79 and 80 of "The County Courts Act, 1846" (b), and of section 10 of "The County Courts Acts, 1850" (c), shall apply respectively, subject to the rules applicable to executors or administrators suing or sued.

Costs on non-  
appearance of  
either party.

3. A party suing an executor or administrator may charge in the summons, that the defendant has had assets, and has wasted them, and he shall state in his particulars the amount of assets alleged to have been left by the deceased, and the manner in which the said assets have been wasted.

Devastavit.

4. In all cases where the defendant is so charged in the summons, if the court shall be of opinion that the defendant has wasted the assets, the judgment shall be that the debt or damage and costs shall be levied *de bonis testatoris, si, &c., et si non, de bonis propriis*; and the non-payment of the amount of the demand immediately on the court finding such demand to be correct, and that the defendant is chargeable in respect of assets, shall be conclusive evidence of wasting to the amount with which he is so chargeable.

Judgment  
where devas-  
tavit charged.

5. Where a defendant sued as an executor or administrator admits his representative character, and only denies the demand, if the plaintiff prove it, the judgment shall be that the demand and costs shall be levied *de bonis testatoris, si, &c., et si non*, as to the costs, *de bonis propriis*.

Judgment  
where repre-  
sentation ad-  
mitted.

(b) See Vol. I. pp. 265, 270.

(c) See Vol. I p. 272.

Judgment where representation admitted and administration alleged.

6. Where such defendant admits his representative character, but denies the demand, and alleges a total or partial administration of assets, and the plaintiff proves his demand, and the defendant proves the administration alleged, the judgment shall be to levy the costs of proving the demand *de bonis testatoris, si, &c., et si non, de bonis propriis*; and as to the whole or residue of the demand, judgment of assets, *quando acciderint*; and the plaintiff shall pay the defendant's costs of proving the administration of assets.

Judgment in like case where administration not proved.

7. Where such defendant admits his representative character, but denies the demand, and alleges a total or partial administration of assets, and the plaintiff proves his demand, but the defendant does not prove the administration alleged, the judgment shall be to levy the amount of the demand, if such amount of assets is shown to have come to the hands of the defendant, or such amount as is shown to have come to them, and costs, *de bonis testatoris, si, &c., et si non*, as to the costs, *de bonis propriis*, and as to the residue of the demand, if any, judgment of assets, *quando acciderint*.

Judgment in like case where administration proved.

8. Where such defendant admits his representative character and the plaintiff's demand, but alleges a total or partial administration of the assets, and proves the administration alleged, the judgment shall be for assets *quando acciderint*, and the plaintiff shall pay the defendant's costs of proving the administration of assets.

Judgment where administration not proved and no other defence established.

9. Where such defendant admits his representative character and the plaintiff's demand, but alleges a total or partial administration of the assets, but does not prove the administration alleged, and has not established any other ground of defence, the judgment shall be to levy the amount of the demand, if so much assets is shown to have come to the hands of the defendant, or such amount as is shown to have come to them, and costs, *de bonis testatoris, si, &c., et si non*, as to the costs, *de bonis propriis*, and as to the residue of the demand, if any, judgment of assets, *quando acciderint*.

Judgment on assets *quando acciderint*.

10. Where judgment has been given against an executor or administrator, that the amount be levied upon assets of the deceased *quando acciderint*, the plaintiff or his personal representative may issue a summons in the form according to the schedule, and if it shall appear that assets have come to the hands of the executor or administrator since the judgment, the court may order that the debt, damages and costs be levied *de bonis testatoris, si, &c., et si non*, as to the costs, *de bonis propriis*; provided that it shall be competent for the party applying to charge in the summons that the executor or administrator has wasted the assets of the testator or intestate, in the same manner as in rule 3, and the provision of rule 4 shall apply to such inquiry; and the court may, if it appear that the party charged has wasted the assets, direct a levy to be made as to the debt and costs, *de bonis testatoris, si, &c., et si non, de bonis propriis*.

Judgment on defendant's admission.

11. Where a defendant admits his representative character and the plaintiff's demand, and that he is chargeable with any sum in respect of assets, he shall pay such sum into court, subject to the rules relating to payment into court in other cases.

Judgment in other cases.

12. In actions against executors or administrators for which provision is not hereinbefore specially made, if the defendant fail as to any of his defences, the judgment shall be for the plaintiff as to his costs of disproving such defence, and such costs shall be levied *de bonis testatoris, si, &c., et si non, de bonis propriis*.

## ORDER XXVI.

## TRANSMISSION OF PROCESS AND PROCEEDS OF WARRANTS TO AND FROM FOREIGN DISTRICTS.

1. In all cases of warrants, whether against the goods or the person, to be executed in a foreign district, the registrar of the foreign court shall immediately on the receipt of the warrant enter it in "The Foreign Executions Re-issued Book."

Entry of warrants to be executed in a foreign district.

2. Where, by virtue of any warrant sent to a foreign district, any money shall have been received by the bailiff of the foreign court, such bailiff shall, within twenty-four hours from the receiving of such money, pay over the same to the registrar of the foreign court, and shall, unless an interpleader summons as to such money be pending, make a return in writing of the amount received; and in the case of a levy having been made, the bailiff shall state in the return the gross amount produced by such levy, the particulars of the appraiser's and broker's charges, and the fees allowed for keeping possession, and pay over to the registrar of the foreign court the amount levied, less such charges and fees; and the registrar of the foreign court shall certify in the said return the amount paid into court, and the correctness of the said charges, and shall account for and pay over such amount to the treasurer of his court at such time as the treasurer shall require; and the high bailiff shall thereupon transmit such return to the high bailiff of the home court, as directed by section 104 of "The County Courts Act, 1846" (d), and such latter bailiff shall, within twenty-four hours from the receipt of such return, deliver the same to the registrar of his court, who shall thereupon pay out of any money in his hands, to the plaintiff in the action, the amount certified in such return to have been received by the registrar of the foreign court, as the proceeds of the execution, and shall enter in a book the amount so certified in the form set forth in the schedule, and the registrar of the home court shall file such return, and the registrar shall be allowed by the treasurer of his court, at his audit, the amount so paid.

Accounting for and transmission of proceeds levied in foreign district.

3. Where by virtue of any order of commitment to be executed in a foreign district any money shall be paid into the court of such district, the registrar shall transmit a certificate to the registrar of the home court of the amount so paid in, and shall account for and pay over the amount to the treasurer of his court at such time as the treasurer shall require; and the registrar of the home court shall upon the receipt of the certificate pay out of any money in his hands to the judgment-creditor the amount so certified to have been received by the registrar of the foreign court, and shall enter the same in the book mentioned in the last preceding rule, and shall file the certificate, and he shall be allowed by the treasurer of his court, at his audit, the amount so paid.

Certificate of money paid into court.

## ORDER XXVII.

## FUNDS (COUNTY COURTS ACT, 1865).

1. Where a party is directed to pay money into court under "The County Courts Act, 1865" (e), he shall attend and pay the same into the office of the registrar, and obtain a receipt for the amount; and the registrar shall, unless otherwise ordered by the judge, pay the same

Payment into county courts. 28 & 29 Vict. c. 99.

(d) See Vol. I. p. 315.

(e) See Vol. II. pp. 2, 19.



- into a post office savings bank, in accordance with the provisions of sect. 26 of "The County Courts Act, 1867" (*f*).
- Entry of payments.** 2. The registrar shall enter in the "Cash Book" and "Ledger for Equitable Proceedings under the County Courts Act, 1865," all sums so paid to the account of the proceeding, in which it is paid, and where the interest of any fund, paid into a post office savings bank, has been directed to be paid to any person, the registrar shall pay the same half-yearly out of any general moneys in his hands.
- Post office savings book to be transmitted.** 3. In the first week of January in each year the registrar shall transmit to the postmaster-general his post office savings bank book, and upon its return he shall send a letter, according to the form in the schedule, to the commissioners of the treasury requesting them to authorize the postmaster-general to allow him to draw out a sum equal to the interest which he may have paid to persons during the then past year, and shall apportion the same and carry the proportion to the account of each fund on which he has paid interest as aforesaid.
- Mode of withdrawing moneys from post office savings bank. Form.** 4. The registrar, wherever he shall be directed by the court to draw out of a post office savings bank the fund or part of the fund in any suit or matter, shall send a letter to the commissioners of the treasury according to the form in the schedule.
- Interest to be apportioned.** 5. Where money has before the 1st of January, 1868, been invested in stocks, and the investment is in the names of the treasurer and registrar alone, the registrar shall from time to time receive the dividends of all the funds so standing in their names, and shall re-invest the dividend in the same names, except where and so far as the court shall otherwise direct, and shall apportion the amount so re-invested in his books to the right accounts.
- Order for payment of money under sect. 5 of 28 & 29 Vict. c. 99.** 6. Where any order has been made upon any person to pay to the paymaster-general in Chancery any sum of money under section 5 of "The County Courts Act, 1865" (*f*), such order shall be drawn up by the registrar and issued to the bailiff of the court; by whom the same shall be served personally upon the person ordered to make the payment.
- Warrant of execution on default under last section.** 7. Where default shall be made in the production of the certificate of the paymaster-general in Chancery, the registrar shall give notice in writing to the judge of the fact of such default, and the judge may thereupon direct a warrant of execution to issue in accordance with section 5 of "The County Courts Act, 1865" (*f*).
- Examination of married woman interested in fund.** 8. Where any married woman is interested in any principal money, stocks, shares, or securities exceeding in value 200*l.*, or 10*l.*, in annual payments, she shall be examined by the judge apart from her husband to ascertain whether the same shall be paid to him or made the subject-matter of a settlement, and if the court think fit to make such settlement, and in all cases where the married woman is under age, shall by its judgment make such settlement accordingly: provided always, that the court may, if it thinks fit, order such settlement to be prepared by counsel and settled by the judge.

## ORDER XXVIII.

## NEW TRIAL.

- Application for new trial.** 1. An application for a new trial, or to set aside proceedings, may be made and determined on the return-day, if both parties be present, or

(*f*) See Vol. II. p. 97.

such application may be made at the first court holden next after the expiration of twelve clear days from such return-day; provided the intending applicant do, seven clear days before the holding of such court, deliver to the registrar at his office, and also give to the opposite party by serving the same personally on such party, or by leaving the same at his place of abode or place of business, a notice in writing, signed by himself or his solicitor, stating that such an application is intended to be made at such court, and setting forth shortly the grounds of such intended application; but such notice shall not operate as a stay of proceedings unless the judge shall otherwise order; and if any money paid into court under any execution or order in the action shall not have been paid out, when such notice in writing shall be given to the registrar, the registrar shall retain the same to abide the event of such application, or until the judge shall otherwise order; and if no such application be made, the money shall, if required, be paid over to the party in whose favour the order was made, unless the judge shall otherwise order; and if such notice be not given in manner aforesaid, or such application be not made at the court mentioned in the notice, no application for a new trial or to set aside proceedings shall be subsequently made, unless by leave of the judge, and on such terms as he shall think fit; provided that this rule shall not apply to cases falling within the provision of section 80 of "The County Courts Act, 1846" (g).

2. The judge may, in his discretion, make it a condition of granting a new trial, that it shall take place before a jury, although the former trial did not take place before a jury.

New trial may be had before a jury.

3. Where a plaintiff desires to set aside a nonsuit, he shall proceed within the same time, give the same notice, and be subject in all respects to the same conditions, and follow the same practice as though judgment had been given for the defendant.

Application to set aside nonsuit.

## ORDER XXIX.

### APPEAL BY SPECIAL CASE.

1. Any party dissatisfied with the judgment, order or direction of the court in point of law, or upon the admission or rejection of evidence, may, before the rising of the court on the day on which judgment was pronounced, deliver to the registrar a statement in writing, signed by him, his counsel or solicitor, containing the grounds of his dissatisfaction; and in the event of no such statement being delivered, the successful party may proceed on the judgment unless the judge shall otherwise order; but the judge may direct proceedings to be taken on the judgment notwithstanding such statement has been delivered: provided that the party so dissatisfied may appeal on grounds different from those contained in such statement, and although he shall not have delivered any such statement.

Notice of appeal.

2. The ten days within which notice of appeal may be given shall be exclusive of the day of trial.

Time for notice.

3. The notice of appeal shall be in writing, and shall state the grounds on which the party appeals, and shall be signed by the appellant, his solicitor or agent, and such notice shall be sent to the registrar as well as to the successful party, by post or otherwise.

Form of notice.

(g) See Vol. I. pp. 270, 300.

Notice not a stay of execution.

4. The notice of appeal shall not operate as a stay of execution or of proceedings under the decision appealed from, unless the judge shall otherwise order, but the registrar shall detain the proceeds of any execution which may then be in or may come into his hands pending such appeal, to abide the event of such appeal, unless the judge shall otherwise order.

Case to be presented to judge.

5. The appellant shall prepare the case for appeal, and all cases on appeal shall, unless the judge shall otherwise order, be presented to him for signature at the court held next after the parties shall have agreed upon the same; and if the judge approves thereof it shall be signed by him, and sealed with the seal of the court; but where the judge does not approve of the case submitted to him, both parties shall be summoned to attend him where and when the judge shall appoint, and at the place and time so appointed both parties shall be heard as to the form of the case, and the judge shall finally settle and sign the same, and it shall then be sealed by the registrar.

Where parties do not agree, judge to settle case.

6. Where the parties do not agree upon the form of the case to be stated, the appellant shall lodge with the registrar the draft case prepared by him, and the registrar shall give notice to the parties that the same has been so lodged, and will, on a day to be named in the notice, be presented to the judge for his signature, and on such day the parties may appear before the judge, who shall determine the form of the case, and finally settle and sign the same, and it shall then be sealed by the registrar.

Copy of case to be deposited with registrar.

7. When the case shall be so signed and sealed, a copy thereof shall be deposited with the registrar, and another sent by post or otherwise by the appellant to the successful party within three clear days next after the time of signing and sealing the same, and if the appellant do not comply with this rule the successful party may proceed upon the order, notwithstanding proceedings have been stayed by order of the judge, unless the judge shall otherwise direct.

Case to be transmitted to High Court.

8. The appellant shall, within three days next after the case has been signed and sealed, transmit the same with a copy thereof under the seal of the court, by post or otherwise, to the proper officer of the High Court of Justice, and shall give notice, by post or otherwise, to the successful party that he has done so; in default whereof the successful party may proceed on the judgment as if no appeal had been made, and shall, on the application to the court, be entitled to such costs as he shall have incurred in consequence of the appellant's proceedings; provided that, instead of proceeding on such judgment, the respondent, if he think fit, may, within twenty-eight clear days from the signing and sealing of the case, transmit it in the manner prescribed, and give the like notice to the appellant of such transmission.

Judgment of Court of Appeal to be deposited.

9. When the Court of Appeal has pronounced judgment, either party may deposit the same, or an office copy thereof, with the registrar of the county court, and upon being so deposited such judgment shall be filed and may be enforced as if it had been made by the county court.

New trial.

10. A new trial, in pursuance of the order of the Court of Appeal, shall be entered for trial at the county court which shall be holden next after twelve clear days from the time when such order or office copy thereof shall have been deposited as aforesaid, unless the parties agree that it shall take place sooner, or the judge otherwise order, and it shall be conducted in the same manner as any new trial granted by the county court itself.

11. If the order of the Court of Appeal be that judgment shall be entered for either party, then such judgment shall be entered accordingly, and the successful party shall be at liberty to proceed on such judgment as on a judgment of the county court.

Proceedings  
on judgment  
of Court of  
Appeal.

#### *Appeals by Motion.*

12. The foregoing rules in this order shall not apply to appeals by motion, but such appeals may be had under the provisions of section six of "The County Courts Act, 1875" (i).

Appeals.  
38 & 39 Vict.  
c. 50.

### ORDER XXX.

#### SECURITY.

1. In all cases where a party proposes to give a bond by way of security, he shall serve, by post or otherwise, on the opposite party and the registrar, at his office, notice of the proposed sureties according to the form in the schedule, and the registrar shall forthwith give notice to both parties of the day and hour on which he proposes that the bond shall be executed, and shall state in the notice to the obligee, that should he have any valid objection to make to the sureties, or either of them, that it must then be made.

Security by  
bond.

Form

2. The sureties shall make an affidavit of their sufficiency according to the form in the schedule, unless the opposite party shall dispense with such affidavit.

Affidavit of  
sufficiency.  
Form

3. The bond shall be executed in the presence of the judge or registrar, or a commissioner of the Supreme Court of Judicature.

Execution of  
bond.

4. Where a party makes a deposit of money in lieu of giving a bond, he shall forthwith give notice to the opposite party, by post or otherwise, of such deposit having been made.

Deposit in  
lieu of bond.

5. In all cases where the security is by bond, the bond shall be deposited with the registrar until the action be finally disposed of.

Bond to be  
deposited.

6. No registrar, deputy registrar, registrar's clerk, bailiff, broker or other officer of the court, shall become surety in any case where, by the practice of the court, security is required.

Officers not  
to be surety.

### ORDER XXXI.

#### PROCEEDINGS UNDER THE TRUSTEES RELIEF ACT, TRUSTEE ACTS, AND MAINTENANCE AND ADVANCEMENT OF INFANTS.

1. Any person desiring to pay money, transfer stock, or deposit security in trust to attend the orders of any county court, under sect. 24 of "The County Courts Act, 1867" (i), shall file with the registrar of the county court having jurisdiction in the matter an affidavit, entitled in the matter of the last act, and of the particular trust, and setting forth:

38 & 29 Vict.  
c. 39, s. 1 (5)  
and (6) (i).  
Form of affi-  
davit under  
sect. 24 of  
30 & 31 Vict.  
c. 142.

(1.) His own name, address, and description:

(2.) The place where he is to be served with any petition or summons, or any notice of any proceeding or order of the court relating to the trust fund:

(3.) The amount of money, stock, or security which he proposes to pay, transfer, or deposit in trust to attend the orders of the court:

(i) See *ante*, p. 7.

(l) *Id.* p. 19.

(k) See Vol. II. p. 3.

- (4.) A short description of the trust or of the instrument creating it :
- (5.) The names, addresses, and descriptions of the persons interested in or entitled to, or claiming to be interested in or entitled to the fund, to the best of the knowledge and belief of the trustee :
- (6.) The submission of the trustee to answer all such inquiries relating to the application of the money or stock paid-in or transferred, or securely deposited, as the court may think proper to make or direct.

**Form in schedule.** 2. The affidavit may be according to the form in the schedule, with such variations as each particular case may require.

**Memorandum of filing to be indorsed.** 3. Immediately on the receipt by the registrar of the affidavit, he shall indorse thereon a memorandum of the day on which the same was filed, and when such affidavit shall be so indorsed it shall be taken for all purposes to have been duly filed on the date so indorsed thereon.

**Certificate of filing may be given.** 4. The persons filing the affidavit, or any of them, may apply to the registrar to give to them a certificate entitled in the matter of "The County Courts Act, 1867," and of the particular trust, and under the seal of the court, certifying that the affidavit has been filed, and such

**Form .** certificate may be according to the form in the schedule, with such variation as each particular case may require.

**Money may be paid into post office savings bank. Sect. 24 of 30 & 31 Vict. c. 142.** 5. In the case of money, the persons filing the affidavit, or any of them, may, upon the receipt of the before-mentioned certificate, pay the money into a post office savings bank, under sect. 24 of "The County Courts Act, 1867" (*m*), and obtain from the officer of the bank a receipt for the same, and shall forthwith leave the said receipt with the registrar, and the registrar shall accordingly indorse thereupon a memorandum of the day on which the same was received by him, and when such receipt shall be so indorsed it shall be taken for all purposes to have been duly recorded on the date so indorsed thereon.

**Transfer of stock.** 6. In the case of stocks, the persons filing the affidavit, or any of them, may, upon the receipt of the before-mentioned certificate, transfer the stocks into the names of the treasurer and registrar of the county court mentioned in the said certificate, in trust to attend the orders of the court, and shall forthwith leave the transfer ticket with the registrar, and the registrar shall immediately indorse thereon a memorandum of the day on which the same was received by him, and when such transfer ticket shall be so indorsed it shall be taken for all purposes to have been duly recorded on the day so indorsed thereon.

**Deposit of security.** 7. In the case of security, the person filing the affidavit may forthwith deposit the security with the registrar in the name of the treasurer and registrar, in trust to attend the orders of the court, and the registrar shall immediately indorse on the affidavit a memorandum of the day on which the security was deposited with him.

**Notice of deposit of security.** 8. The registrar shall, within twenty-four hours after the deposit of the security, send notice thereof by post to the treasurer of the court, stating therein the particulars of the deposit, which notice may be according to the form in the schedule, with such variations as each particular case may require.

**Form .** 9. Where there is a county court in which there is not a treasurer, the transfer or deposit shall be made into the name of the registrar and of the superintendent of the county court department of the treasury for the time being.

10. Immediately after the recording of the receipt or transfer ticket or the deposit of the security, the registrar shall give to the persons paying in the said money, or transferring the said stocks or depositing the security, an acknowledgment or certificate of such payment or transfer or deposit, and such acknowledgment or certificate may be according to the form in the schedule, with such variations as each particular case may require.

Certificate of payment, transfer or deposit to be given.

Form

11. Immediately after the recording of the receipt or transfer ticket, or giving a certificate of deposit of security, the registrar shall cause an entry to be made in the book heretofore called the Suits and Proceedings in Equity Book of the title of the particular trust, and the amount of money or stock paid or transferred, or security deposited, and the names and addresses of the person or persons making such payment, transfer or deposit, and the names of every person stated in the affidavit to be or to claim to be interested in or entitled to such money or stock, and their addresses and descriptions, as given in the affidavit; and the registrar shall forthwith, by post, send to each of such last-mentioned persons, to the addresses given in the affidavit, a notice of the said payment, transfer, or deposit, which notice shall be under the seal of the court, and may be according to the form in the schedule, with such variations as each particular case may require.

Entries to be made in equity proceedings book.

12. Any person interested in or entitled to funds in court, or (if need be, but not otherwise) the trustee, who desires the directions of the court as to the investment, paying out, or distribution of the fund or income thereof, may file a petition setting forth shortly the particular trust in which he applies, and the substance of the order he seeks to obtain, and if the nature of the case require it, he shall give full particulars of his claim, and of the relief or remedy to which he claims to be entitled. The court, in adjusting the costs of the action, shall inquire at the instance of any party into any prolixity, and shall order the costs occasioned by such prolixity to be borne by the party chargeable with the same.

Petition by person interested in funds in court.

13. Where the application shall relate to the capital of the fund in court, the trustee and all persons interested in such fund must be served with the petition, unless the court shall otherwise direct; and where the application relates to the income only of the trust fund, the trustee only shall be served with the petition, unless the court shall otherwise direct.

Order for service of notice of application on trustee.

14. Where a trustee shall have availed himself of the provisions of sect. 24 of "The County Courts Act, 1867," without sufficient reason, the judge may direct such trustee to bear his own costs, and pay the costs of any other parties, or to bear and pay any part of such respective costs, as the judge shall think fit.

Trustee may be ordered to pay costs.

15. Subject to, and in accordance with the foregoing rules, all proceedings under the fifth and sixth clauses of the first section of "The County Courts Act, 1865" (n), shall be commenced by filing a petition.

Proceedings under 28 & 29 Vict. c. 99, s. 1 (5) & (6) to be by petition.

16. Petitions shall be filed and shall be delivered at the office of the registrar seven days before the sitting of the court at which the petition is to be heard or application made.

Time of filing petitions.

17. Upon the filing of any such petition, the registrar shall issue the copies under the seal of the court to the bailiff for service upon the respective persons to whom they are addressed, together with a notice,

Registrar to issue notices of day of hearing of petition.

Service of  
petitions and  
notices.

Facts may be  
supported by  
affidavit.

Registrar to  
draw up  
order.

Rules to  
extend to pro-  
ceedings un-  
der this  
order.

signed by himself and under the seal of the court, informing them of the day and hour on which the petition will be heard, and that if they do not attend, either in person or by their solicitors, such order will be made and proceedings taken as the judge may think just and expedient.

18. The bailiff of the court shall, four days at least before the hearing, serve all copies of such petitions and notices.

19. Upon the trial of any claim under this order, unless the judge shall otherwise direct, the facts relied upon in support of or in opposition to such claim shall be proved by affidavit.

20. Where the judge makes an order upon such petition the registrar shall, as soon thereafter as conveniently may be, draw up, seal, and file such order.

21. The preceding rules relating to proceedings which prior to the 1st of November, 1875, would have been commenced by a plaint in equity shall, in all cases where they are applicable, be construed as extending to proceedings under this order.

## ORDER XXXII.

### ASSESSORS (COUNTY COURTS ACT, 1875).

Registrar at  
request of  
judge to  
frame a list of  
assessors.

On approval  
of a list by  
judge to ob-  
tain consent  
of assessors to  
act when  
summoned.

List of as-  
sessor to be  
hung up in  
court and  
office.

Resignation  
of assessors  
how to be  
made.

Name of  
assessor re-  
signing to be  
removed from  
list.

Remune-  
ration of  
assessors.

Application  
to judge to  
act with  
assessors.

Application

1. The registrar of each county court shall, from time to time, at the request of the judge, submit to him the names of as many persons as the judge may direct, whom, having regard to the nature of the ordinary business of the circuit, and to their fitness, from ability and reputation, he believes to be qualified to act as assessors under sect. 5 of "The County Courts Act, 1875" (o), and the judge shall from the names so submitted frame a list of persons to act as assessors for each court within his circuit.

2. The registrar shall apply to such persons as the judge may approve to know if they are willing to act as such assessors and to attend any court they may be summoned to attend a reasonable time beforehand.

3. When the judge has completed the list of assessors, the registrar shall cause a printed list of their names in alphabetical order to be hung up in the court and office.

4. Every assessor named in the printed list shall continue to be an assessor until a new list of assessors shall have been framed and approved as aforesaid, or until he shall have given to the registrar notice in writing that he is unwilling to act as an assessor from and after a day to be named therein.

5. Upon the receipt of such notice the registrar shall remove the name of such person from the list of assessors.

6. Every person named in such list shall receive for each day's attendance one guinea or two guineas according as the subject-matter of the action does or does not exceed twenty pounds in value, together with such sum, if any, for his expenses as the judge may order.

7. A party who desires assessors to be summoned to assist the judge shall file an application therefor according to the form in the schedule, giving the names of the assessors he wishes to be summoned, and if he shall have obtained the consent of the other party to the assessors named he shall file such consent with his application.

8. Upon receipt of such application the registrar shall forward a copy

of the same to the judge, who, if he sees fit, shall return the same with his approval, and thereupon the registrar shall forthwith summon the assessors named. If the judge shall not think fit that assessors shall be summoned, notice thereof shall be given by the registrar to all parties.

9. Where the party so applying does not file with his application the consent of the other party to the appointment of the assessors proposed by him, the registrar shall, after obtaining the consent of the judge to the appointment of assessors as prescribed in the preceding rule, forthwith cause to be served on the other party notice of the application according to the form in the schedule, and the party so served shall, as soon as may be after receipt of the notice, inform the registrar in writing whether or not he accepts the appointment of the assessors proposed in such notice, or any of them, and shall therein give the names of such assessors as he is willing should be summoned.

10. Where the party served with the notice mentioned in the preceding rule does not accept the proposed appointment he shall forthwith after receipt of such notice inform the registrar in writing of his non-acceptance and of the reasons thereof, and the registrar shall thereupon fix a time and place for hearing such objection and selecting the assessors to be summoned. Such objection may be heard either on the return-day of the summons or before the judge acting under the powers conferred on him by section 4 of "The County Courts Acts, 1875" (p), or by direction of the judge before the registrar. Notice of the time and place at which the objection will be heard shall be given to all parties interested. On the hearing such order shall be made as the judge or registrar shall think just, and any costs occasioned by the objection or consequent thereon may be ordered to be paid by the party objecting. When assessors are appointed they shall be summoned in the manner hereinbefore prescribed.

11. If at the time and place appointed for the trial the assessors summoned do not appear, the judge may either proceed to try the action, with the assistance of such one or more of the assessors, if any, as do appear, or, if none appear, without assistance, or he may adjourn the trial.

12. Every person requiring the judge to be assisted by assessors shall at the time of applying pay to the registrar the sum of two guineas if the amount claimed does not exceed 20*l.*, and four guineas if it does exceed that amount, and such payments shall be considered as costs in the action, unless otherwise ordered by the judge.

13. Where an action is adjourned, the plaintiff shall pay the assessors' fees for the day of adjournment forthwith after the order of adjournment is made by the court.

### ORDER XXXIII.

#### ADMIRALTY ACTIONS.

##### *Sittings of the Court.*

1. The judge may try or partly try the action at any place within the admiralty district of the court.

2. Where application is made to the judge for the trial or part trial of an admiralty action at a place in which a county court does not sit,

(p) See *ante*, p. 6.

to be forwarded to judge and assessors to be summoned if judge approves.

Where opposite party does not accept the assessors proposed.

Where the party served does not accept the proposed appointment.

Where assessors or one of them fail to attend.

Payment on application for assessors by party.

Assessors' fees on adjournment.

Where action may be tried.

Undertaking by solicitor for expenses.



the solicitor shall file a præcipe undertaking to provide at his expense a place to the satisfaction of the judge in which the action may be tried, and pay the necessary expenses of the court and officers so attending.

Sittings of the court in admiralty.

3. The days of the sitting of the court shall be those appointed for the transaction of the ordinary general business of the county court held in the city or town mentioned in the name of the court, or such other days as the judge may from time to time appoint for the trying of an admiralty action where from the detention of a vessel or otherwise a prompt determination of the action is desirable.

#### *Institution of Action.*

Commencement of action.

4. A solicitor desiring to commence an admiralty action shall file a præcipe which shall state the nature of the action, the name, address, and description of the party in whose behalf it is instituted, the name of the solicitor, and an address within three miles of the court-house at which it shall be sufficient to leave all instruments and documents in the action required to be served upon him, and it shall also state the name of the owner or owners or other person against whom the action is instituted, or it shall state that the action is instituted against the vessel or other property to which the action relates.

Notice of commencement of action to be given to consul in certain cases.

5. In an admiralty action for wages against the owners of a foreign vessel, notice of the commencement of the action shall be given to the consul or vice-consul of the state to which the vessel belongs, if there be one resident within the district of the court, and a copy of the notice shall be annexed to the præcipe.

#### *Summons.*

Summons.

6. Immediately upon the filing of the præcipe the registrar shall issue a summons for service by the solicitor, or if so required, by the bailiff of the court.

Service of summons.

7. Where the vessel or property to which the action relates is within the district, the summons may be served by delivering it to the person who is at the time of service apparently in charge of the vessel or property, or, if there is no person in charge, by nailing it on the main mast or the single mast of the vessel; and in other cases the summons must be served personally upon the defendant, unless the judge, or in his absence the registrar, shall upon facts duly verified upon affidavit allow of substituted service.

#### *Appearance in Admiralty Actions.*

Appearance.

8. A solicitor desiring to enter an appearance in an action shall file a præcipe, and thereupon an entry of his appearance shall be made in the Admiralty Suits Book.

Contents of præcipe.

9. The præcipe shall state the name, address, and description of the party on whose behalf the appearance is entered, the name of the solicitor, and an address within three miles of the court-house, at which it shall be sufficient to leave all instruments and documents in the action required to be served upon him.

Person claiming interest may intervene.

10. Any person claiming to have an interest in the vessel or property, whether cognizable by the court or not, may intervene for the purpose of having the case transferred to the High Court of Admiralty.

Appearance on arrest.

11. Upon the arrest of any vessel or property an appearance may be entered the same as upon the service of the summons.

12. Where an appearance has been entered the registrar shall upon application by either plaintiff's or defendant's solicitor give to each solicitor in the action, and where no appearance has been entered then to the plaintiff or his solicitor, a notice under the seal of the court, stating the day upon which the action has been directed by the judge to be heard.

Notice of day of hearing.

#### *Arrest.*

13. Where after the commencement of an admiralty action, it is desired to arrest any vessel or property, the solicitor must file an affidavit stating the facts which render it probable that it will be removed out of the jurisdiction of the court.

Affidavit to be filed.

14. In an admiralty action for necessities or for wages the national character of the vessel shall be stated in the affidavit.

When nationality of vessel to be stated.

15. Where upon the filing of such affidavit the registrar, in the absence of the judge, is satisfied with the evidence, he may issue a warrant for the arrest and detention of the vessel or property, and where he is not satisfied he may require further evidence to be adduced.

When warrant for arrest may issue.

16. A warrant of arrest may be executed on Sunday, Good Friday, or Christmas Day, as well as on any other day.

When warrant for arrest may be executed.

#### *Release of Property.*

17. Where in an admiralty action the amount sued for is paid into court, together with costs, or the security completed, or where the plaintiff's solicitor usually requires it, the registrar shall deliver to the solicitor an order directed to the high bailiff of the court, authorizing and directing him, upon payment of all costs, charges, and expenses attending the custody of the property, to release it forthwith.

Release on payment into court.

18. Notwithstanding the last preceding rule, the property, in an admiralty action for salvage, shall not be released until its value has been ascertained either by affidavit, by agreement, or by appraisement, save by consent of the plaintiff or his solicitor.

Release in salvage action.

#### *Transfer of Action.*

19. Where an action is transferred to the High Court of Justice by order thereof, the registrar of the court, upon the service of the order of transfer, shall send by post the proceedings to the proper officer of such court.

Transmission of proceedings on transfer by High Court.

20. Where a court orders the transfer of an action to the High Court of Justice or to another court, the registrar shall send by post the order, together with the proceedings, to the registrar of the High Court of Justice or to the court to which it is transferred.

The like on transfer to High Court.

#### *Second or Cross Action.*

21. Where it shall appear to the court that the plaintiff in an admiralty action (hereafter called the second action), was or is the defendant in an action (hereafter called the first action) in another court arising out of the same transaction, and that he did not propose to the plaintiff in the first action that by agreement jurisdiction should be given to the court in which the first action was instituted, to hear and determine the second action, the judge may refuse the plaintiff in the second action his costs if he shall think fit.

Costs in cross action may be refused.

22. Where a second or cross action for damage has been instituted

First and

second actions may be tried together.

by a defendant in an action for damage, and the second action has been instituted, by agreement or otherwise, in the court in which the first action was instituted, or has been transferred to the said court by order of any other court, the court may direct that both actions may be tried at the same time and upon the same evidence.

Proceedings on order against unknown defendant.

23. Where a judgment or order has been obtained against an unknown defendant, the vessel or property to which the action relates shall not be taken in execution, but it may be arrested and detained under the provisions of sect. 22 of "The County Courts Admiralty Jurisdiction Act, 1868" (q), or kept under arrest, if already arrested.

Proceedings on discovery of unknown defendant.

24. Where an order has been obtained in an action against an unknown defendant, and the name of the defendant is subsequently ascertained, the adverse solicitor may deliver to the registrar a *præcipe* stating the name, address, and description of the defendant, and thereupon the registrar shall issue to the solicitor, or if required to the bailiff for service, a notice of the judgment or order, stating that if the defendant does not within four clear days from the day of service deliver a *præcipe* to the registrar applying for a rehearing of the action, the vessel or property to which the action relates will be sold in execution.

Service of notice on defendant.

25. The notice shall be served personally upon the defendant, unless the judge, or in his absence the registrar, shall upon facts duly verified upon affidavit allow of substituted service.

#### *Execution against Vessel.*

Proceedings on execution against a vessel.

26. Where under a warrant of execution a vessel is seized, the high bailiff shall, before selling the same, cause an inventory and valuation thereof to be made by an appraiser, and the vessel shall not be sold for less than the appraised value thereof, except by order of the court, and 10s. per cent. on the appraised value of the vessel, with reasonable expenses for travelling and maintenance, if the vessel is beyond three miles from registrar's office, shall be allowed to the appraiser.

Proceeds of sale to be paid into court.

27. On the completion of the sale the high bailiff shall pay the proceeds arising therefrom into court, return the warrant, and file an account of the sale and of his fees thereon, signed by him, together with the certificate of appraisal signed by the appraiser.

Delivery of property to purchaser.

28. On the completion of the purchase the high bailiff shall deliver up the property to the purchaser, and if required so to do shall execute a bill of sale to him at the expense of the purchaser.

#### *Transfer of Sale.*

Proceedings on transfer of sale.

29. Where the vessel has been arrested or has been seized under a warrant of execution, and the sale of the vessel has been ordered to be transferred to the High Court of Justice, the vessel shall be retained by the high bailiff until the marshal shall, by order of the High Court of Justice, take possession thereof.

Application for transfer of proceedings for sale.

30. A solicitor desiring that the sale of any vessel or property should be conducted in the High Court of Justice, may at any time after judgment give security to the amount of 10*l.*, and deliver to the registrar an application for an order for the transfer of the proceedings for sale to the said court.

Application

31. The registrar shall transmit such application to the judge for his

order thereon, if the court be not sitting, and shall in any case certify on the application that the security for costs has been given.

to be transmitted to judge.

#### *Notice of Defence in Collision.*

32. Where in actions for damage by collision the defendant intends to set up as a defence that the vessel was by compulsion of law in the charge of a pilot, he should give notice thereof to the adverse solicitor as soon after the service of summons as may be, and if he shall fail to give such notice the judge shall, in exercising his discretion as to costs, consider what effect the non-delivery of the notice has had in the action.

Notice of defence in actions for damage by collision.

#### *Tenders.*

33. A solicitor desiring to make a tender shall give a notice to the adverse solicitor of the terms and amount of the tender, and shall pay the amount into court, and deliver a præcipe.

Notice of proposed tender.

34. Within forty-eight hours from the payment the adverse solicitor shall file a notice stating whether he accepts or rejects the tender, and, if he shall not do so, he shall be deemed to have rejected it.

Notice of acceptance of tender.

#### *Payment out of Court.*

35. Money ordered in an admiralty action to be paid out of court may be paid to the solicitor without the production of a power of attorney from the party entitled to receive the money, unless the judge shall otherwise order.

Payment out of court to solicitor.

36. Where more than one action has been instituted against a vessel or any property, and the same has been sold, the proceeds thereof shall be retained in court, to abide the decision of the court in the various actions, unless the judge shall otherwise order.

Retainer of monies in court where more than one action.

#### *Appraisement.*

37. The registrar may, on the application of either solicitor, and whether before or after judgment, order any property under arrest to be appraised.

Appraisement.

#### *Records of the Court.*

38. The solicitors in an action, their clerks, and the parties themselves, may, while the action is pending, and for one year after its termination, inspect, free of charge, all the records in the action.

Inspection of records.

39. In a pending action no person other than the solicitor or his clerk, or the party in the action, shall be entitled to inspect the records in the action without the permission of the registrar.

Who entitled to inspection during pendency of action.

40. In an action which is terminated, any person may, on delivering to the registrar a præcipe, and on payment of the proper fee, inspect the records in the action.

The like on termination of action.

#### *Copies.*

41. Any person entitled to inspect any instrument or document in an action shall, on delivering to the registrar a præcipe, and on payment of the proper charges for the same, be entitled to an office copy thereof.

Office copies.

#### *Assessors.*

42. Every solicitor requiring the judge to be assisted by two assessors shall at the time of delivering the præcipe pay to the registrar the sum of two guineas if the amount claimed does not exceed 100*l.*, and four

Payment on application for assessors by party.

guineas if it does exceed that amount, and such payments shall be considered as costs in the action, unless otherwise ordered by the judge.

The like on requirement of judge.

43. Where the judge requires the assistance of two assessors, the above fees shall be paid by the plaintiff or his solicitor before the trial, and shall be costs in the action, unless otherwise ordered by the judge.

Assessors' fees on adjournment.

44. Where an action is adjourned, the plaintiff shall pay the assessors' fees for the day of adjournment forthwith after the order of adjournment is made by the court.

Selection of assessors.

45. Upon the delivery of the aforesaid præcipe or upon the order of the judge as last aforesaid, the registrar shall select from the list of assessors the names of two persons whom he may, having reference to the nature of the action to be tried, consider most capable of assisting the judge in trying and determining it, and shall send to each of such persons by post a summons in the form annexed.

Payment to assessors.

46. The registrar of the court shall pay to every assessor for each day's attendance and service in every action one guinea or two guineas, according as the amount claimed in the action does or does not exceed 100*l*.

#### ORDER XXXIV.

##### AGRICULTURAL HOLDINGS (ENGLAND) ACT, 1875.

Interpretation.

38 & 39 Vict. c. 92.

Statement of grounds of appeal to be filed.

1. When an appeal is made to the judge against an award made under "The Agricultural Holdings (England) Act, 1875" (*r*), the party prosecuting the appeal shall be called the appellant and the party supporting the award the respondent.

2. The appellant shall, within four days after the delivery of the award, file a copy thereof, together with a concise statement in writing of his grounds of appeal, which shall contain the following particulars:—

- (1.) If the appeal shall be made on the ground mentioned in section 36, sub-section 1 (*s*), of the last-mentioned act, a statement of the several objections to the validity of the award on which he relies:
- (2.) If the appeal is on any of the grounds mentioned in sub-section 2 (*s*) of the last-mentioned section, a statement showing in respect of what matters compensation is alleged to have been improperly awarded:
- (3.) If the appeal is made on any of the grounds mentioned in sub-section 3 (*s*) of the last-mentioned section, a statement showing in respect of what matters compensation is alleged to have been improperly withheld:
- (4.) No ground of appeal shall be allowed at the trial unless the foregoing provision of this rule shall, in respect of such ground, have been complied with:
- (5.) The names, in full, and address of the respondent and of the appellant, and of his solicitor if the proceedings are commenced through a solicitor.

Copy of statement to be sent to respondent.

3. The registrar shall, within twenty-four hours after the filing of the concise statement, transmit a copy thereof by post to every respondent at the address furnished to him, accompanied by a notice requiring the respondent to comply with the provisions of the next following rule, according to the form in the schedule.

Form

(*r*) See *ante*, p. 38.

(*s*) See *ante*, p. 44.

4. The respondent shall, within eight days after the transmission of the grounds of appeal to him, deliver to the registrar a statement in writing, signed by himself or his solicitor, disclosing the following matters :—

Respondent to deliver statement in reply.

- (1.) Whether he disputes the validity in law of all, or any, and which of the grounds of objection to the award :
- (2.) Whether he disputes the truth in fact of all, or any, and which of the grounds of appeal :
- (3.) Whether he admits the validity in law and truth in fact of all, or any, and which of the grounds of appeal :
- (4.) Whether he prays that the case may be remitted to be re-heard :
- (5.) His name and address, and that of his solicitor if the statement be delivered through a solicitor.

5. The judge shall hear and determine the appeal, and the order thereupon may be enforced in the same manner as any other judgment of the court.

Order.

6. Upon the receipt of the statement mentioned in the next preceding rule the registrar shall transmit a copy thereof and of the award and grounds of appeal to the judge, who shall, as soon as conveniently may be, appoint a time and place for the hearing of the appeal, and instruct the registrar to give notice thereof forthwith to the parties.

Copies of both statements to be sent to judge.

7. Every application for the appointment of a referee or umpire under section 22, sub-sections 6 and 9 (t), or under section 23, sub-section 2 (u), of the act, shall be by summons sealed with the seal of the court, and returnable not less than seven days from the date thereof, except by consent. Such summons shall be taken out by the party applying, and shall be addressed to the other party, and shall direct the party summoned to attend at the judge's or registrar's chambers (as the case may be) on the return-day thereof, for the purpose of proceeding with the appointment asked for. Such summons shall be personally served by the applicant's solicitor. The appointment may be made by endorsement on the summons.

Proceedings in applications for referee or umpire.

8. All rules for the time being in force regulating the conduct of appeals by way of special case shall apply to appeals from the judge to the High Court of Justice, so far as circumstances will permit.

Appeal to High Court.

## ORDER XXXV.

### PROCEEDINGS UNDER THE FRIENDLY SOCIETIES ACT, 1875.

1. All applications to the court by the trustees or authorised officers of a friendly society in respect of any of the matters mentioned in sect. 20 of "The Friendly Societies Act, 1875" (x), shall, whether any bond be put in suit or not, be by action commenced by plaint and summons in the ordinary way in which the society or the trustees or authorised officers thereof shall be plaintiffs and the person against whom the application is made defendant.

Applications to be made by plaint. 38 & 39 Vict. c. 60.

2. If the application be made by action without putting the bond in suit, the summons or the particulars annexed thereto shall state shortly the nature of the act required to be done or the neglect complained of.

Particulars.

3. If the act required to be done be the delivering up of any pro-

Where pro-

(t) See *ante*, p. 42.

(x) See *ante*, p. 27.

(u) See *ante*, p. 43.

party is  
required to be  
delivered up.

Reference  
under sect. 22  
to be by  
plaint.

Summons.

party, the summons or the particulars annexed thereto shall contain an intelligible description of the property required to be given up.

4. Every dispute which shall be referred to the county court under section 22 (z) of the said act shall be so referred by action commenced by plaintiff and summons in the ordinary way in which the claiming or aggrieved member or other person shall be the plaintiff, and the society by such of the persons authorised by section 21 (z) of the said act to be sued on behalf of the society as the plaintiff shall elect to sue shall be defendant.

5. The summons or the particulars annexed thereto shall state correctly the nature of the dispute referred, and the relief which the plaintiff claims.

## ORDER XXXVI.

### COSTS.

Taxation of  
costs.

Taxation of  
costs under  
30 & 31 Vict.  
c. 142, ss. 7  
and 10.

Costs of wit-  
nesses.

Compensation  
to seamen.

Appropriation  
of monies paid  
into court.

Costs of war-  
rants.

Possession  
fees.  
9 & 10 Vict.  
c. 95, s.  
106 (b).

Apprais-  
ment.

Taxation of  
costs under  
19 & 20 Vict.  
c. 106, s. 28.

Costs in ac-

1. All costs shall be taxed by the registrar of the court, subject to the review of such taxation by the judge.

2. In taxing the costs incurred in the High Court of Justice previous to the transmission of the action to the county court under sects. 7 or 10 of "The County Courts Act, 1867" (a), the registrar shall tax the same according to the scale of costs and fees in use in such High Court of Justice.

3. The costs of witnesses, whether they have been examined or not, may, unless otherwise ordered by the court, be allowed, though they have not been summoned, but their allowance for attendance shall in no case exceed the highest rate of the allowances mentioned in the scale in the schedule.

4. Seamen necessarily detained on shore for the purpose of the action shall be allowed such remuneration as the court may think reasonable compensation for their loss of time.

5. Money paid into court on a judgment shall be appropriated first in satisfaction of the court fees and costs, and afterwards in satisfaction of the original demand.

6. Costs of warrants against the goods, whether executed or unexecuted or unproductive, shall be allowed against the defendant, unless the judge shall otherwise direct.

7. No possession fee shall be payable where an execution is paid out at the time of the levy; but if the officer shall necessarily remain in possession more than half an hour, and the execution shall be paid out on the day of levy, the possession fee for that day shall be charged.

8. No appraisalment is to be made until the fifth day of the bailiff's holding possession of the goods under an execution, unless where the goods are of a perishable nature, or are sold at the request of the party, before the expiration of four days, or unless the goods are removed.

9. Costs in actions under "The County Courts Act, 1856," s. 23 (c), shall be taxed according to the scale of taxation used in the High Court of Justice, so far as it is directly applicable; and where it is not so applicable, the principle of that scale shall be followed.

10. Costs in actions for the recovery of tenements and in actions of

(z) See *ante*, p. 28.

(a) See Vol. I. pp. 445, 448.

(b) See Vol. I. p. 836.

(c) See Vol. I. p. 83.

replevin may, where the fees of court are paid on 5*l.* or upwards, be allowed to solicitors upon the scale applicable to actions on contract where the amount claimed exceeds 20*l.*, if the judge shall so order.

11. In actions where the claim exceeds 20*l.* and the plaintiff recovers less than 20*l.*, he shall, if the judge shall so order, be entitled to recover costs, according to the scale relating to actions above 20*l.*, and the defendant, if successful, shall be entitled to recover costs according to the said scale, unless the judge shall otherwise order.

12. Where from the amount, or from the nature of any defence or counter-claim, the costs in an action for recovering or enforcing the same would be taxed upon a higher scale than that applicable to the action in which such defence or counter-claim is made, then the costs shall be taxed upon such higher scale.

13. Where the plaintiff recovers less than the amount of his claim, so as to reduce the scale of court fees and costs, he shall pay the difference, unless the reduction shall be caused by a set-off.

tions for the recovery of tenements and replevin. Costs in actions where claim exceeds 20*l.*

Costs of counter-claim.

Costs where plaintiff recovers less than he claims.

## ORDER XXXVII.

### PRACTICE.

1. A default summons may, at the request of the plaintiff, be exchanged, without fee, for an ordinary summons upon the former being filed in court within one month of its issue.

2. Where any party changes his solicitor he shall give notice in writing of such change to the registrar, stating the name or firm and place of business of the new solicitor, and the registrar shall file the notice.

3. Copies of all proceedings or documents to be prepared by the registrar shall be prepared by him for any party requiring the same, upon payment of the costs of such copies when the order for the same is given.

4. A folio is to comprise seventy-two words, every figure being counted as one word.

5. Upon transmission of the plaint note, with a request and a receipt (duly stamped where necessary) by a party to whose credit money has been paid into a court other than the court within the district of which such party resides or carries on business, the registrar of the court into which the money has been paid shall transmit such money to such party by registered post letter, enclosing a crossed cheque or a post office order less the cost of remittance, and such remittance shall be at the risk of the said party.

6. Where a person desires to enter a plaint in a court within the district of which he does not reside, he may, instead of attending in person or by agent at the court, transmit, free of cost, to the registrar the following:—

- (1.) A præcipe showing the name, address, and description of the plaintiff and defendants, the cause of action, and the amount claimed, and where the claim exceeds 40*s.*, as many copies of the statement of the particulars or cause of action as there are defendants, and an additional copy to file.
- (2.) A post office order for the fees payable upon the entry of the plaint payable at the post office of the court town.
- (3.) An envelope addressed to himself, with a penny postage stamp thereon.

Exchange of default summons.

Notice of change of solicitor.

Copies of documents to be paid for.

Folio.

Payment out of court by cheque or post office order.

Entry of plaint by letter.



Metropolitan courts.

Party may act by solicitor or agent.

Service on solicitor deemed service on party.

Practice on service by solicitor.

Notice of interlocutory proceedings may be served by solicitor.

Notice in lieu of service.

Newspaper advertisements.

Advertisements for London Gazette.

Conduct of action.

Enlargement or abridgment of time.

Transfer of actions commenced in different courts.

Interest allowed to creditors in actions for administration.

Interest on legacies.

And upon the receipt of the above the registrar shall enter the plaint, and forward the plaint note to the plaintiff in the addressed envelope.

7. For the purpose of the two foregoing rules the several districts of the metropolitan courts shall be considered *inter se* as one district only.

8. Where by these rules any act may be done by any party, such act may be done either in person or by his solicitor or agent, if it can be legally done by an agent.

9. Where a party acts by solicitor, service of any proceeding or document upon such solicitor, or delivery of the same at his office, or sending the same to him by post, shall be deemed to be good service upon the party for whom such solicitor acts, as upon the day when the same is so served or delivered, or upon which in the ordinary course of post it would be delivered, except in cases where by these orders personal service upon a party is required.

10. Where a solicitor undertakes the service of any process, he shall make the necessary copies of each process, and the registrar shall seal the same and return them to the solicitor for service.

11. Any notice relating to any interlocutory proceeding may, by leave of the registrar, be served by the solicitor of the party requiring to effect such service; but the costs of such service, and proof thereof, shall not be allowed, except by order of the court.

12. Where by reason of the absence of any party, or from any other sufficient cause, the service of any summons (other than an ordinary or a default summons), notice, proceeding, or document cannot be made, the judge or registrar may, upon an affidavit showing grounds, order notice by advertisement or otherwise in lieu of such service.

13. The judge or registrar shall order in what newspaper any advertisements which may from time to time be ordered in any action or proceeding shall be inserted; and the expense of such advertisements shall be paid to the registrar by the party requiring the same before they are inserted.

14. All advertisements to be inserted in the London Gazette shall be transmitted by the registrar for insertion to the registrar of county court judgments in London.

15. The judge, or in his absence the registrar, may order what party shall have the conduct of any action or proceeding.

16. The judge or registrar may, upon such terms, if any, as he may think reasonable, enlarge or abridge any of the times fixed by these rules for taking any step or filing any document, or giving any notice, in any action or proceeding.

17. Where actions shall be commenced in different courts by parties in the same interest, upon application by any of the parties they shall be transferred to the court in which the first plaint was entered, and shall then be proceeded with in the same way in all respects as if they had been commenced in that court.

18. Where an estate has been ordered to be administered, creditors shall be entitled to interest in respect of debts as to such of them as carry interest after the rate they respectively carry, and as to all others after the rate of 4l. per cent. per annum, from the date of the order, and to costs of successfully proving such debts.

19. Interest is to be computed on legacies after the rate of 4l. per cent. per annum, from the end of one year from the date of the testator's death, unless otherwise ordered, or a different rate or time of payment is directed by the will.

20. Any person who may be in custody, other than under an order under "The Debtors Act, 1869" (d), may be discharged by the registrar, upon giving to the party at whose instance he was committed notice of his intention so to apply two clear days previous to his applying, and such discharge may be given according to the form in the schedule.

Discharge of person in custody.

21. All proceedings and documents may be in forms similar to the forms in the schedule to these rules, where the same are applicable; and in cases where no forms are provided, parties shall frame the proceedings or documents, using as guides those contained in the said schedule.

Form .  
Where no forms in schedule.

22. Where any judge of county courts acting for any other judge of county courts under sect. 20 of "The County Courts Act, 1867" (e), shall sign any order or other document, the registrar shall make a memorandum at the foot thereof according to the form in the schedule.

Judge acting for another.  
30 & 31 Vict. c. 142, s. 20.

23. Where a plaintiff is desirous of not proceeding in the action, he may give notice to the registrar and to the defendant by post that he will not proceed with the action, and after the receipt of such notice the defendant may apply for an order against the plaintiff for the costs incurred before the receipt of such notice, and of attending the court on the return-day to obtain such order.

Form .  
Notice of discontinuance.

24. Any defendant in an action to recover lands may at any time before the return-day confess the action as to the whole or any part of the lands by signing in the presence of the registrar or one of his clerks, or of a solicitor of the Supreme Court, and attested by the person in whose presence it is signed, an admission of the title of the plaintiff to the lands or to the said part thereof, and of his right to the possession thereof; and the registrar shall upon the receipt of such admission forthwith give notice thereof by post to the plaintiff, and the judge may on the return-day, upon proof of the signature of the defendant or defendants to such admission by affidavit or otherwise, in case the same is not attested by the registrar or clerk, and without any further proof of the plaintiff's title (if no defendant other than the defendant signing such admission defends for the said lands or the said part thereof), give judgment for the plaintiff for the recovery of possession and for costs. Provided that if the plaintiff receive notice of such admission before the return-day, he shall not be entitled as against the defendant or defendants signing to any costs incurred subsequently to the receipt of such notice, except the costs of attending the court on the return-day, unless the judge shall otherwise order. Provided also, that where the admission is not signed by all the defendants defending for the said lands, or the said part thereof, the trial shall proceed against these non-admitting defendants, as if no admission had been signed.

Confession by defendant in action to recover land.

25. Where an action can be brought to recover possession of a tenement under the provisions of "The County Courts Act, 1856," no action shall be brought under "The County Courts Act, 1867."

Actions under 19 & 20 Vict. c. 105, ss. 40, 52 (f), not to be brought under 30 & 31 Vict. c. 142, s. 12 (g).  
Adjournment of trial.

26. The parties to any action, at any time before the action is called on, may by consent and without payment of any trial fee, postpone the trial to such subsequent court as the judge shall direct, but on such subsequent court such fee shall be paid or the cause be struck out.

(d) See Vol. I. p. 352. *Quare* as to the application of this rule.

(e) See Vol. I. p. 99.

(f) See Vol. I. p. 414.

(g) *Id.* p. 36.

- No order of adjournment need be served.  
Adjournment for non-compliance with rules.  
Costs on adjournment.
27. Where any action is adjourned, no order of adjournment shall be served on either party, unless by direction of the judge.
28. When anything required by the practice of the court to be done by either party, before or during the trial, has not been done, the judge may, in his discretion, and on such terms as he shall think fit, adjourn the trial to enable the party to comply with the practice.
29. Where a cause is adjourned by the court at the hearing-day owing to its not being reached, the judge may allow a fee for the day's attendance to counsel and solicitor where engaged, and such costs shall be costs in the cause.
- Postponement of trial.
30. Where it appears to the judge or registrar that from the course of proceedings in any action the trial cannot be held on the return-day of the summons, he may postpone the trial until such other day as the state of the proceedings require, and give notice of such postponement to all parties and persons interested.
- Filing of documents.
31. Where any particulars or other document whatsoever is directed to be filed, it shall be filed with the registrar of the court, together with as many copies thereof as there are parties to be served, and the names, addresses, and descriptions of such parties, and an additional copy for the use of the judge if required.
- Sealing of documents.
32. Before any summons, notice, or other document, or any copy thereof, shall be issued by the registrar, the same shall be sealed with the seal of the court.
- Form of notice.
33. Where by these rules any party is required to give notice according to a form mentioned in the schedule, it shall be sufficient if the notice given complies substantially with such form.
- Computation of periods of twenty-four and forty-eight hours.
34. In all cases where anything is required by the rules of practice to be done within a period of twenty-four hours, or within a period of forty-eight hours, no part of any day appointed by royal proclamation for a public fast, humiliation, or thanksgiving, or of any day on which the offices of the court need not be open under these rules or under any order of the Lord Chancellor, shall be included in the computation of such period.
- When process may not be served.
35. No process shall be served or executed on Sunday, Christmas Day, or Good Friday, nor shall any process be served on any day appointed by royal proclamation for a public fast, humiliation, or thanksgiving, or on any day on which the offices of the courts need not be open under these rules or under any order of the Lord Chancellor; but such days shall be counted in the computation of the time required by these rules in respect of service.
- Transmission of letters sent by post.
36. All letters or process sent by post by or to the officers of the courts, or by or to parties in any action, shall be prepaid, and shall not be sent by book post.
- Affidavits to be expressed in the first person.
- Sources of knowledge to be stated.
37. All affidavits shall be expressed in the first person of the deponent, and drawn up in paragraphs and numbered.
38. All affidavits other than those for which forms are given in the schedule, shall state the deponent's age, occupation, quality, and place of residence, and also what facts or circumstances deposed to are within deponent's own knowledge, and his means of knowledge, and what facts or circumstances deposed to are known to, or believed by him by reason of information derived from other sources than his own knowledge, and what such sources are.
- Costs of affidavits when disallowed.
39. The costs of affidavits not in conformity with the last two preceding rules shall be disallowed on taxation, unless the court shall otherwise direct.

40. Before any affidavit is used it shall be filed in the office of the registrar, but this rule shall not hinder a judge from making an order in an urgent case upon the undertaking of the applicant to file any affidavit sworn before the making of such order, provided that such order be not issued until such affidavit shall have been filed.

Filing of affidavits.

41. No affidavit in which there is any knife erasure, or which is blotted so as to obliterate any word, or which is illegibly written, or so altered as to cause it to be illegible, nor any affidavit in which there is any interlineation, unless the person before whom the same is sworn shall have duly initialled such interlineation, nor any affidavit or other document which is so imperfect upon the face, or by reason of having blanks thereon that it cannot easily be read or understood, shall be filed or used in any action or proceeding, unless the judge shall otherwise order.

Erasure, blotting, interlineation, &c. in affidavits.

42. Where a defendant shall be out of England, the judge, or in his absence the registrar, may, upon an affidavit of the fact, direct the service of the plaint and summons to be effected within such time and in such manner as the judge or registrar may think fit.

Service when defendant is out of jurisdiction of county courts.

#### *Detinue.*

43. The judgment in detinue, if for the plaintiff, shall be for the value of the goods detained, together with a sum to be stated in the judgment by way of damages for the detention and costs; but it may be made part of the order that on payment of damages for the detention, and costs, and return of the goods on or before a day to be named, satisfaction shall be entered.

Judgment in detinue.

#### *Confessions under "The County Courts Act, 1850."*

44. All confessions under section 8 of this act (*h*) shall be delivered to the registrar five clear days before the return-day: provided that, at any time before the cause is called on, the defendant may confess and admit the claim according to the form set forth in the schedule, subject, however, to an order by the judge to pay such costs as the plaintiff has incurred in consequence of the defendant's not having delivered such confession as hereinbefore required.

Confessions under 18 & 14 Vict. c. 61, s. 8.  
Form .

#### *Consents to Judgment under "The County Courts Act, 1850."*

45. In all cases of consent under section 9 of this act (*i*) the defendant may confess the amount of the plaintiff's costs besides the court fees, and the judgment may be entered accordingly, and the amount of the plaintiff's costs shall be stated separately.

Consents under 18 & 14 Vict. c. 61, s. 9.

#### *Cases under "The County Courts Act, 1856."*

46. Where the parties, in pursuance of section 23 of this act (*k*) agree to try any action in a county court, a plaint shall be entered, and a summons shall be issued thereon, as in other cases, and all the rules and practice of the court shall be adopted in such cases, so far as the same are applicable.

Trials by agreement under 19 & 20 Vict. c. 108, s. 23.

(*h*) See Vol. I. p. 196.

(*k*) See Vol. I. p. 33.

(*i*) See Vol. I. p. 198.

*"Bills of Exchange Act, 1855."*

Leave to defend under 18 & 19 Vict. c. 67, s. 2.

47. Where a defendant applies for leave to defend he shall satisfy the judge, or in his absence the registrar, by affidavit, that good grounds exist for granting leave to defend the action, and shall file with the registrar such affidavit, together with a copy thereof, and shall, if required so to do by the judge or registrar, give security according to the provision of section 2 of "The Bills of Exchange Act, 1855" (l).

Notice of trial to be given.

48. Where leave is given to defend, the registrar shall appoint the cause to be heard at the first convenient sitting of the court to be held after such leave is granted, and shall send to the plaintiff notice thereof according to the form set forth in the schedule, together with a copy of the affidavits made by the defendant, and shall also send to the defendant by post a notice according to the form in the schedule.

Form Applications under 18 & 19 Vict. c. 67, s. 2.

49. Any application, under section 3 of "The Bills of Exchange Act, 1855" (m), to set aside the judgment, shall be made to the judge of the court; but until the judge can hear the same, execution shall be stayed, upon the defendants giving security to abide the decision of the judge.

*"Employers and Workmen Act, 1875."*

Power of court in actions between employers and workmen.

50. In any action between employers and workmen the court may exercise any of the powers mentioned in sub-section 1 of section 3 of "The Employers and Workmen Act, 1875" (n), although the parties may not have given any of the notices required by Orders IX. and X. of these rules.

*Registry of Judgments.*

Return of judgments in City of London court.

51. A return of every judgment entered in the "City of London Court" for the sum of 10*l.* and upwards, shall be transmitted by the registrar to the registrar of county courts judgments in London, in the same manner as returns of judgments entered in a county court are now transmitted.

Note of order in admiralty and equity to be sent.

52. A note of every judgment or order in an admiralty action, or in any action which, before the 2nd November, 1875, would have been the subject of a plaint or petition in equity, shall within ten days of the making thereof be transmitted by the registrar to the registrar of county courts judgments in London, who shall register the same as heretofore.

*Rules not to be added to.*

Rules to be adhered to.

53. No practice shall prevail in any court except as provided by these rules, nor shall any matter be added to or taken from any form in the schedule, whereby any obligation shall be imposed upon any suitor to which he is not liable under statute or these rules.

## ORDER XXXVIII.

## APPLICATION OF PRECEDING ORDERS.

Application of rules of procedure.

The rules of procedure contained in the preceding orders shall apply to proceedings under the "County Courts Admiralty Jurisdiction Acts, 1868 and 1869" (o), the "Agricultural Holdings (England) Act, 1875" (p),

(l) See Vol. I. pp. 189, 207.

(m) See Vol. I. p. 208.

(n) See *ante*, p. 37.

(o) See Vol. II. pp. 154, 159, 161, 175.

(p) See *ante*, p. 38.

and the "Friendly Societies Act, 1875" (q), except where Orders XXXIII., XXXIV., and XXXV., provide any other or inconsistent mode of procedure.

## ORDER XXXIX.

"THE COMPANIES ACTS, 1862 AND 1867," "THE INDUSTRIAL AND PROVIDENT SOCIETIES ACT, 1862," AND "THE BUILDING SOCIETIES ACT, 1874."

The general orders, rules, and forms of the Chancery Division of the High Court of Justice regulating for the time being the mode of proceeding under "The Companies Acts, 1862 and 1867," shall be the orders, rules, and forms in all proceedings in the county courts for the winding up of a society registered under "The Industrial and Provident Societies Act, 1862" (r), "The Building Societies Act, 1874" (s), or for the winding up of a company under "The Companies Acts, 1862 and 1867" (t), so far as the same are applicable: Provided that where it shall appear to the court inconvenient that the bank of England should be the bank used for the purposes mentioned in the order and rules, it shall be competent for the court to name some bank to be used in lieu of the bank of England.

25 & 26 Vict.  
cc. 86, 89;  
30 & 31 Vict.  
c. 131, s. 44;  
37 & 38 Vict.  
c. 42, s. 32.

## ORDER XL.

*Proceedings in Acts not referred to in the foregoing Rules.*

Where by any act not before mentioned in the foregoing rules proceedings are directed to be taken in a county court, such proceedings shall be commenced by plaint or petition; and the foregoing rules shall apply to such proceedings, so far as such rules are respectively applicable.

Proceedings  
in acts not  
referred to in  
foregoing  
rules.

(q) See *ante*, p. 22.

(r) See Vol. I. p. 46, and Vol. II.  
p. 138.

(s) See *ante*, p. 15.

(t) See Vol. II. p. 138.

## SCHEDULE OF FORMS.

---

NOTE.—*In all forms to be printed for the future the number of plaintiff and number of warrant should be put, and the seal impressed on the right hand corner of the form, instead of the left hand corner, so as to facilitate reference where papers are joined together.*

*Summonses, affidavits, notices, judgments, orders, warrants, and other proceedings taken under the acts to which Orders XXXI., XXXIII., XXXIV., XXXV., XXXIX., and Order XXXVII., Rules 47 and 50, relate, should be entitled with the acts respectively referred to in those orders and rules.*

---

### 1.

#### *General Form of Heading and Conclusion of all Notices and Admissions.*

In the county court of	holden at	No. of plaintiff.
	[Where sent or issued by court.	Seal.]
	Between A. B., plaintiff,	
	and	
	C. D., defendant.	
Dated this	day of	
*	*	*
*	*	*
		Registrar [or person sending notice on making admission].

---

### 2.

#### *General Form of Heading and Conclusion of Orders, Judgments and Warrants.*

In the county court of	holden at	No. of plaintiff.
		(Seal.)
	Between A. B., plaintiff,	
	and	
	C. D., defendant.	
The	day of	187
*	*	*
*	*	*
		By the court, Registrar of the court.

**3.**

*General Form of Heading and Conclusion of Affidavits.*

(Except where otherwise hereafter given.)

No. of plaint.

In the county court of                      holden at  
Between A. B., plaintiff,  
and  
C. D., defendant.

Sworn at                      in the county of                      }  
this                      day of                      , one thousand  
eight hundred and                      , before me }

4.

*Mem. to be made on any Order or other Document signed by  
one Judge acting for another.*

This [*as the case may be*] was made [*or granted*] and signed by judge Z. acting in the matter for judge A., under the provisions of sect. 20 of "The County Courts Act, 1867."

5.

*Mem. to be placed at foot of every Summons, Notice, Judgment, Order, Warrant, or any other Process of the Court.*

Hours of attendance at the office of the registrar [*place of office*] from ten till four o'clock, except on [*here insert the day on which the office will be closed*] when the office will be closed at one o'clock.

**6.**

*Memorandum to be put on all Complaint Notes.*

*Bring this note when you come to the court or to the office for any purpose connected with this action. On the day of hearing bring all books, &c. necessary to prove your case.*

*Money will be paid out of court ONLY on production of this note, and upon your or your agent's PERSONAL ATTENDANCE if you reside within the district.*

*If the defendant will sign a statement at the office of the registrar confessing that he owes you the money, or if you and he will sign an agreement at the registrar's office as to the amount due, and will consent to a judgment, you will only have to pay half the hearing fee.*

*If the debt or claim exceed five pounds, you may have the action tried by a jury, on giving notice in writing at the registrar's office three clear days before the hearing, and on payment of five shillings for fees of jury.*

Summonses for witnesses and for the production of documents may be obtained at the office, upon payment of the proper fee.



## 7.

***Plaint-Note (Ordinary Summons).***

In the county court of                      holden at                      .

(Seal.)  
No. of Plaintiff.

**A. B., plaintiff,  
against  
C. D., defendant.**

**Fees paid.**

£	s.	d.
—	—	—

The above action was entered this day, and will be tried at \_\_\_\_\_ on  
the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 187 .

**Registrar of the Court.**

*The hearing fees must be paid before the cause is called on.*

**N.B.**—IF YOU OBTAIN A JUDGMENT AGAINST THE DEFENDANT, ALL MONETYS ORDERED TO BE PAID THEREUNDER MUST BE PAID INTO COURT, AND MUST NOT BE RECEIVED BY YOU. (See sect. 45 of "The County Courts Act, 1856.")

**8.**

*Plaint-Note (Default Summons) under Sect. 1 of "The County Courts Act, 1875."*

In the county court of                      holden at                      .

No. of Plaintiff.

Between A. B., plaintiff,  
and  
C. D., defendant.

(Seal.)

£	s.	d.

The above action was entered this day, under sect. 1 of "The County Courts Act, 1875," and you will be entitled to judgment at the expiration of sixteen days from the date of the personal service of the summons, inclusive of the

day of such service, unless the defendant gives notice of his intention to defend the action. Should such notice be given you will be informed by post thereof, and of the day and hour when the action will be tried.

Dated this       day of       187 .

Registrar of the Court.

*N.B.*—Judgment must be entered within six months from the service of the summons, after which period the action will be struck out.

9.

*Plaint-Note (Default Summons). Bills of Exchange Act.*

In the county court of       holden at       .

No. of Plaintiff.  
(Seal.)

Between A. B., plaintiff,  
and  
C. D., defendant.

The       day of       187 .

"       "       "

"       "       "

Fees paid.

£       s.       d.

£	s.	d.

The above action was entered this day, under "The Bills of Exchange Act, 1855," and you will be entitled to judgment at the expiration of twelve days from the personal service of the summons, inclusive of the day of such service, unless the defendant obtains leave to defend the action. Should such leave be obtained you will be informed by post of the day and hour when the action will be tried.

Registrar of the Court.

*N.B.*—Judgment must be entered within six months from the service of the summons, after which period the action will be struck out.

10.

*Letter to be sent with Summons out of District.*

30 & 31 Vict.  
c. 142, s. 1.

In the county court of       holden at       .

No. of Plaintiff.

Sir,

I hereby request that you will serve the accompanying summons immediately, and return the enclosed copy of the same to me properly endorsed, showing the fact and mode of the service. The defendant [or witness] is stated to reside at [*here insert the full address given in the summons*].

Your obedient servant,

Registrar of the court.

To the high bailiff of the county court  
of       holden at       .

## 11.

*Ordinary Summons.**(To be used in cases for which other forms are not specially provided.)*

In the county court of                      holden at                      .

No. of plaint.  
(Seal.)Between A. B., plaintiff,  
[Address, description,]  
andC. D., defendant.  
[Address, description.](a) Insert  
this when  
necessary.

(a.) [Issued "by leave of the court" or "by leave of the registrar."]

You are hereby summoned to appear at a county court to be holden at                      on the                      day of                      18                      , at the hour of                      in the noon, to answer the plaintiff, to a claim, the particulars of which are hereunto annexed. [*Where the amount of the claim does not exceed forty shillings, after "claim" strikes out the words "the particulars of which are hereunto annexed," and state shortly the substance of the claim.*]

Dated this                      day of                      18                      .

Registrar of the court.

						£	s.	d.
Debt or claim	..	..	..	..	..			
Costs of plaint	..	..	..	..	..			
Solicitor's costs	..	..	..	..	..			

Total amount £                                          

To the defendant.

[N.B.—IF YOU OWE THE MONEY, AND WILL CONSENT TO A JUDGMENT, YOU WILL SAVE HALF THE HEARING FEE.]

SEE BACK.

*[To be indorsed on the Summons.]*

If you confess the plaintiff's claim,—by doing which you will save half the hearing fee,—you should sign a confession, printed forms for which may be obtained at the office, before the registrar of the court five clear days before the return day, that is, the day of hearing. The confession, if not signed before the registrar, must be signed before a solicitor; but you may deliver your confession to the registrar at any time before the action is called on, subject to the payment of any further costs which your delay may have caused the plaintiff to incur.

If you and the plaintiff can agree as to the amount due and the mode of payment, and will before the action is called on for trial sign a memorandum of such agreement at the registrar's office or before a solicitor, you will save half the hearing fee.

If you pay the debt and costs, as stated in the summons, five clear days before the hearing, you will avoid further costs; but you may pay the same at any time before the action is called on for trial, subject to the payment of any further costs which your delay may have caused the plaintiff to incur.

If you admit a part only of the claim, you may by paying into the registrar's office the amount so admitted, five clear days before the day of hearing, together with costs proportionate to the amount you pay in, avoid further costs unless the plaintiff proves a demand exceeding your payment.

If you intend to dispute the plaintiff's claim on any of the following grounds,—

1. That the plaintiff owes you a debt which you claim should be set off against it;
2. That you were under twenty-one when the debt claimed was contracted;
3. That you were then, or are now, a married woman;
4. That the debt claimed is more than six years old;
5. That you have been discharged from the plaintiff's claim under a Bankrupt or Insolvent Act;
6. Tender;
7. Statutory or equitable defence;

you must give notice thereof to the registrar five clear days before the return-day; and such notice must contain the particulars required by the rules of the court; and you must deliver to the registrar as many copies of such notice as there are plaintiffs, and an additional copy for the use of the court. If your DEFENCE be a SET-OFF, you must, with the notice thereof, also deliver to the registrar a statement of the particulars thereof. If your DEFENCE be a TENDER, you must pay into court, before or at the trial, the amount tendered.

If the debt or claim exceed five pounds you may have the action tried by a jury, on giving notice in writing at the registrar's office three clear days before the hearing, and on payment of five shillings for the use of such jury.

Summonses for witnesses and for the production of documents by them will be issued upon application at the office of the registrar of the court, upon payment of the proper fee.

NOTE.—An ordinary Summons is to be printed in pica type, leaded, on a half-sheet of cream wove foolscap, fourteen pounds or thereabouts.

## 12.

*Summons in Chambers.*

[Heading as in No. 11.]

LET ALL PARTIES CONCERNED attend at my chambers (state where) on the       day of       187 , at       o'clock in the       noon on the hearing of an application on the part of (state on whose behalf the application is made and the precise object of the application).

Judge or Registrar.

Dated this       day of       187 .

This summons was taken out by A. B., of       , solicitor for the applicant.

To (state the name and address of the person to whom this summons is directed, or of his solicitor).

## 13.

*Notice of Non-Service of an Ordinary Summons.*

TAKE NOTICE, that the summons in this action has not been served, for the following reason:—

Dated this       day of       187 .

To the  
[Plaintiff.]

E. F., High Bailiff.

M

D.C.C.

14.

*Notice of Doubtful Service of an Ordinary Summons.*

TAKE NOTICE, that the summons in this action was left at the address given by you, and [here insert the bailiff's return of service, as endorsed on the summons]. You must therefore be prepared at the hearing to satisfy the court that the summons has come to the defendant's knowledge.  
To the Plaintiff.

15.

38 & 39 Vict.  
c. 50, s. 1.

*Affidavit of Debt. "County Courts Act, 1875," s. 1.*

In the County Court of \_\_\_\_\_, holden at \_\_\_\_\_  
I, A. B., of, &c., make oath and say, that C. D., of [address, occupation and description] is indebted to me in the sum of \_\_\_\_\_ for [add, where the action is brought for a demand not exceeding five pounds, and I further say that the \_\_\_\_\_ were sold and delivered [or let on hire] to the said C. D. to be used or dealt with in the way of his trade [or profession or calling] of a \_\_\_\_\_].  
A. B.

Sworn at, &c.

NOTE.—[When affidavit is made by a clerk alter the form accordingly, and add the following: That I am a person in the employ of A. B., and that I am duly authorized by him to make this affidavit, and that it is within my own knowledge that the aforesaid debt was incurred, and for the consideration above stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.]

16.

38 & 39 Vict.  
c. 50, s. 1.

*\* Default Summons under Sect. 1 of "The County Courts Act, 1875."*

[Heading as in ordinary summons, No. 11.]

TAKE NOTICE, that, unless within sixteen days after the personal service of this summons on you, inclusive of the day of such service, you return to the registrar of this court at [place of office] the notice given below, dated and signed by yourself or your solicitor, you will not afterwards be allowed to make any defence to the claim which the plaintiff makes on you, as per margin, the particulars of which are hereunto annexed; but the plaintiff may, without giving any further proof in support of such claim than the affidavit filed in court herein, proceed to judgment and execution. If you return such notice to the registrar within the time specified, the registrar will send you by post notice of the day upon which the action will be tried.

	£	s.	d.
Claim	...	...	...
Fee for plaint	...	...	...
Solicitor's costs (where payable)	}	...	...
Total amount of debt and costs...			

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 187 . \_\_\_\_\_ Registrar of the Court.  
To the Defendant. See below.

[N.B.—This summons must be served within a period of six months from the date hereof, or within such extended period as may be allowed.]

\* This summons is to be printed in pica type, leaded, on a half-sheet of salmon-tinted foolscap paper, fourteen pounds or thereabouts.

## NOTICE OF INTENTION TO DEFEND, OR TO OBJECT TO THE JURISDICTION OF THE COURT.

[To be at foot of Summons.]

No. of Plaintiff.

Order VIII.,  
Rule 27.

In the County Court of \* holden at .

\*A. B. v. C. D.

I intend to defend this action [or to object to the jurisdiction of the court].

Dated this       day of       187 .

— (a) Defendant.

• (To be filled in by registrar previous to issue of summons.)

(a) Here must be signed the name of defendant or of his solicitor, and in the latter case the words "solicitor for," together with his address, must be prefixed.

## SEE BACK.

[To be indorsed on the Summons.]

If you pay the debt and costs, as per margin on the other side, into the registrar's office, within sixteen days after the service of this summons, and without returning the notice of intention to defend or to object to the jurisdiction of the court, you will avoid further costs.

If you do not return the notice of intention to defend or to object to the jurisdiction of the court, but allow judgment against you by default, you will save half the hearing fee, and the order upon such judgment will be to pay the debt and costs forthwith [or by instalments, to be specified as in plaintiff's written consent].

If you admit a part only of the claim, you must return the notice of intention to defend within the time specified on the summons; and you may, by paying into the registrar's office at the same time the amount so admitted, together with costs proportionate to the amount you pay in, avoid further costs, unless the plaintiff at the trial shall prove a claim against you exceeding the sum so paid.

If you intend to dispute the plaintiff's claim on any of the following grounds,—

1. That the plaintiff owes you a debt which you claim should be set off against it;
2. That you were under twenty-one when the debt claimed was contracted;
3. That you were then, or are now, a married woman;
4. That the debt claimed is more than six years old;
5. That you have been discharged from the plaintiff's claim under a Bankrupt or Insolvent Act;
6. Tender;
7. Statutory or equitable defence;

you must give, with the notice of intention to defend, notice of such special defence; and such last-mentioned notice must contain the particulars required by the rules of the court; and you must deliver to the registrar as many copies of such notice as there are plaintiffs, and an additional copy for the use of the court. If your defence be a set-off, you must, with the notice thereof, also deliver to the registrar a statement of the particulars thereof. If your defence be a tender, you must pay into court, before or at the trial, the amount tendered.

If you give such notice of intention to defend within the time specified, you may, if the debt exceeds five pounds, have the case tried by a jury, on giving notice in writing at the registrar's office three clear days before the trial, and on payment of five shillings for the use of such jury.

Summonses for witnesses and for the production of documents by them will

be issued upon application at the office of the registrar of this court, upon payment of the proper fee.

NOTE.—*This summons is to be printed on a half-sheet of salmon-tinted foolscap paper, with the "Notice of intention to defend or object" separated by a perforated line, so that it may be torn off for transmission to the registrar.*

---

17.

**\*Default Summons under "The Bills of Exchange Act, 1855."**

[*Heading as in ordinary summons, No. 11.*]

18 & 19 Vict.  
c. 67.

Take notice, that unless within twelve days after the service of this summons on you, inclusive of the day of such service, you obtain leave from the judge or registrar of this court, to defend this action, the plaintiff may proceed to judgment and execution.

Dated this            day of            187 .

Registrar of the Court.

To the defendant.

[*N.B.—This summons must be personally served on the defendant within six calendar months from the date thereof, and not afterwards.*]

*Indorsement to be made on the Summons before Service thereof.*

The plaintiff claims £            for principal and interest [*or*            balance of principal and interest], due to him as the payee [*or* indorsee] of a bill of exchange [*or* promissory note], a copy of which is hereunto annexed, and also            for noting and bank expenses, and the sum of            for court fees [and for solicitor's costs herein]: And if the amount thereof be paid to the registrar of the court four days from the service hereof, no further proceedings will be taken.

Leave to defend may be obtained upon application at the office of the registrar of this court, supported by affidavit, showing that there is a defence to the action on the merits, or disclosing facts showing that it is reasonable that the defendant should be allowed to defend the action.

*Indorsement on Copy Default Summons after Service.*

This summons was served by            personally on            [the defendant or the defendants] on            the            day of            187 .

---

\* This summons is to be printed in pica type, leaded, on a half-sheet of salmon-tinted foolscap paper, 14lbs. or thereabouts.

---

18.

**Notice of Service of Default Summons.**

38 & 39 Vict.  
c. 50, and  
18 & 19 Vict.  
c. 67.

You are hereby informed that the defendant has [*or has not*] been served with the summons issued in this action [*when he has not been served add why it has not been served*].

To the plaintiff.

High Bailiff.

---

## 19.

*Notice of Day of Trial where Defendant served with a Default Summons has given Notice of Defence.*

Take notice, that this action will be tried at a court to be holden on the 39 & 39 Vict.  
 day of at o'clock in the noon. c. 95, ss.  
 c. 50, s. 1.

## 20.

*Summons to Witness to give Evidence.*

You are hereby required to attend at [the court house in ] on 9 & 10 Vict.  
 the day of 187 , at the hour of of in the noon, c. 95, ss.  
 to give evidence in the above cause on behalf of the [plaintiff or defendant, 85, 86.  
*as the case may be*].

Dated this day of 187 .

Registrar of the Court.

To

## 21.

*Summons to Witness to produce Documents.*

You are hereby required to attend at [the court house in ] on 9 & 10 Vict.  
 the day of 187 , at the hour of of in the noon, c. 95, ss.  
 on the hearing of the above cause, and then and there to have and produce 85, 86.  
 the several documents hereunder specified, and all other books, papers, writings,  
 and other documents relating to the above cause, which may be in your custody,  
 possession or power. In default of your attendance, you will be liable to a  
 penalty of ten pounds, under sect. 86 of the County Courts Act, 1846 (9 & 10  
 Vict. c. 95).

Dated this day of 187 .

Registrar of the Court.

To

[Here insert list of documents required to be produced.]

## 22.

*Notice to be sent with all Warrants of Execution against the Goods.*

Take notice, that the warrant of execution against your goods on the judg-  
 ment obtained against you in this action is for the following amount:—

	£	s.	d.
Amount for which judgment was obtained .. .. .			
Since paid by you into court .. .. .			
Remaining due on judgment .. .. .			
Poundage for issuing this warrant .. .. .			
Total amount to be levied .. .. .			



The costs of keeping possession of such of your goods as may be seized is SIXPENCE IN THE POUND PER DAY ON THE VALUE OF SUCH GOODS.

If you pay the amount to be levied within half an hour of the entry of the bailiff, you will not be required to pay to him any further sum than the amount directed to be levied as stated above.

If your goods are removed, you will have to pay the appraisement fee as under mentioned.

Your goods are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at your request.

If your goods are sold, the following fees are chargeable for the appraisement and sale, and no others :—

For the appraisement, SIXPENCE IN THE POUND on the value of the goods appraised, over and above the stamp duty.

For the sale, including advertisements, catalogues, sale and commission, and delivery of the goods, ONE SHILLING IN THE POUND ON THE NET PRODUCE OF THE SALE.

## 23.

*Judgment for Defendant, or of Nonsuit.*

9 & 10 Vict.  
c. 95, s. 79.

Upon hearing this cause at a court holden this day, it is adjudged that judgment be entered for the defendant [or that judgment of nonsuit be entered], and that the plaintiff do pay the sum of £        for the defendant's costs: And it is ordered that the plaintiff do pay the same to the registrar of this court on the        day of        .

## 24.

*Judgment for Plaintiff.*

Acknowledgment of payment  
into court.

Date.	£	s.	d.	Received by
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—

It is this day adjudged that the plaintiff do recover against the defendant the sum of £        for debt [or damages], and £        for costs, amounting together to the sum of £        .

And it is ordered that the defendant do pay the same to the registrar of the court, on the        day of        [or by instalments of        for every        days ; the first instalment to be paid on the        day of        18        ].

[In case default be made in payment of any one of such instalments, and execution issue, it shall be for the whole of the above amount then remaining due.]

*This form will, by striking out the words within brackets, or the words "on the        day of        " in line 6, apply to judgments of payment, whether for payment forthwith of the whole claim or by instalments, and to judgments under sect. 9 of "The County Courts Act, 1850," 13 & 14 Vict. c. 61, and also to judgments in replevin, where the judgment is for the plaintiff.*

## 25.

*Notice to Plaintiff of Payment of Instalment.*

I hereby give you notice, that A. B, the defendant, has paid into court the sum of £            under the judgment obtained by you against him.

[*N.B.—Upon your applying for the above amount it will be necessary that you should produce or send the plaint-note given to you on the entry of the plaint.*]

## 26.

*Admission of Claim or part of Claim under Sect. 8 of "The County Courts Act, 1850."* 13 & 14 Vict.  
c. 61, s. 8.

I, the defendant, do hereby confess and admit that the sum of £            the amount claimed [or the sum of £           , being part of the amount claimed by the plaintiff in this action] is due to him from me [and that I will pay the same by instalments of           ].

Dated this            day of            187            .  
Signed in the presence of            .

*This paper marked A. is the statement referred to in the annexed Affidavit.*

## 27.

*Affidavit of Signature to Admission, Sect. 8 of "The County Courts Act, 1850."* 13 & 14 Vict.  
c. 61, s. 8.

I,            of           , gentleman, solicitor of her Majesty's Supreme Court of Judicature, make oath and say, that I was present on the            day of            one thousand eight hundred and seventy           , and did see the above-named defendant sign the statement hereunto annexed, marked with the letter A., and that the name set to the said statement is in the handwriting of the defendant, and that the name set to the said statement as the witness attesting the same is in my handwriting.

## 28.

*Notice to Plaintiff of Admission of Claim under Sect. 8 of "The County Courts Act, 1850."* 13 & 14 Vict.  
c. 61, s. 8.

I do hereby give you notice, that the defendant has filed a statement confessing and admitting the amount claimed by you [and proposing to pay the same by instalments of           ], and that it will not be necessary for you to attend on the day of hearing [unless you object to receive the same by instalments as proposed], but judgment will not be entered unless you shall pay to the registrar on or before such day the sum of            being the fee for the judgment, or shall remit the said sum to the registrar by post-office order or otherwise.

19 & 20 Vict.  
c. 108, s. 78.

## 29.

*Notice to Plaintiff of Admission of Part of Claim, under Sect. 8 of the 13 & 14 Vict. c. 61.* 13 & 14 Vict.  
c. 61, s. 8.

I do hereby give you notice, that the defendant has filed a statement confessing and admitting £           , part of the amount claimed by you [and proposing to pay the same by instalments of           ].

19 & 20 Vict.  
c. 108, s. 78.

If you consent to accept the amount so admitted [and to the mode of payment by instalments as proposed], it will not be necessary for you to attend on the day of hearing; but judgment will not be entered unless you shall pay to the registrar on or before such day the sum of \_\_\_\_\_ being the fee for the judgment, or shall remit the said sum to the registrar by post-office order, or otherwise.

If, however, you do not consent to accept the sum so admitted, in satisfaction of your claim, you must be prepared to prove the same.

---

30.

13 & 14 Vict.  
c. 61, s. 9.

*Admission under Sect. 9 of 13 & 14 Vict. c. 61.*

We, the plaintiff and defendant, do hereby agree that the amount of the debt or demand due from the defendant to the plaintiff is £ \_\_\_\_\_ and that the same, with £ \_\_\_\_\_ for the plaintiff's costs, and £ \_\_\_\_\_ the court fees, shall be paid to the registrar of the court at his office, \_\_\_\_\_ in manner following, viz.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 187 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_) Signatures of plaintiff  
and defendant.

Signed in the presence of \_\_\_\_\_

*This paper marked A. is the statement referred to in the annexed Affidavit.*

---

31.

13 & 14 Vict.  
c. 61, s. 9.

*Affidavit of Signature under Sect. 9 of 13 & 14 Vict. c. 61.*

I, \_\_\_\_\_ of \_\_\_\_\_, gentleman, solicitor of her Majesty's Supreme Court of Judicature, make oath and say, that I was present on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and sixty \_\_\_\_\_, and did see the plaintiff and defendant respectively sign the statement hereunto annexed, marked with the letter A., and that the name \_\_\_\_\_ set to the said statement is in the handwriting of the plaintiff, and that the name \_\_\_\_\_ set to the said statement is in the handwriting of the defendant, and that the name \_\_\_\_\_ set to the said statement as the witness attesting the same is in my handwriting.

---

32.

*Warrant of Execution against the Goods of Defendant.*

9 & 10 Vict.  
c. 95, ss.  
94, 95.

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_ 187 \_\_\_\_\_, the plaintiff obtained a judgment in this court against the defendant for the sum of £ \_\_\_\_\_ for debt [or damages] and costs; and it was thereupon ordered by the court that the defendant should pay the same to the registrar on the \_\_\_\_\_ day of \_\_\_\_\_ [or by instalments of \_\_\_\_\_ for every \_\_\_\_\_ days]:

And whereas default has been made in payment according to the said order: These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the defendant, wheresoever they may be found, within the district of this court (except the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount due to the plaintiff under the said order, including the costs of this execution; and also to seize and take any money or bank notes

(whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the defendant which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the registrar of this court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the court this                      day of                      187 .  
By the Court,  
Registrar of the Court.

To the High Bailiff of the said Court,  
and others the Bailiffs thereof.

	£	s.	d.
Amount for which judgment was obtained .. .. .			
Paid into court .. .. .			
Remaining due .. .. .			
Poundage for issuing this warrant .. .. .			
Total amount to be levied .. .. .			

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the defendant.

Application was made to the registrar for this warrant at                      minutes                      19 & 20 Vict.  
past the hour of                      in the                      noon of the                      day of                      187 .                      c. 108, s. 46.

*This form will also apply to a warrant of execution upon a judgment under sect. 9 of "The County Courts Act, 1850," 13 & 14 Vict. c. 61, s. 9; and by leaving out the words "and whereas default has been made in payment according to the said order," to a warrant of execution under a default summons.*

### 33.

#### *Warrant of Execution against the Goods of Plaintiff.*

Whereas at a court holden at                      on the                      day of                      187 , it was                      9 & 10 Vict.  
ordered by the court, that judgment should be entered for the defendant [or                      c. 96, s. 24.  
that judgment of nonsuit be entered], and that the plaintiff should pay to the  
registrar of the court, on or before the                      day of                      the sum of  
£                      for the defendant's costs of suit:

And whereas default has been made in payment according to the said order: These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the plaintiff, whosoever they may be found within the district of this court (excepting the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant being the amount due to the defendant under the said judgment, including the costs of this execution; and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the plaintiff which may there be found, or such part or so much thereof as

may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the registrar of the court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the court this                      day of                      187 .  
By the Court,  
   Registrar of the Court.

To the High Bailiff of the said Court,  
and others the Bailiffs thereof.

							£	s.	d.
Costs adjudged	..	..	..	..	..	..			
Paid into court	..	..	..	..	..	..			
Remaining due	..	..	..	..	..	..			
Poundage for issuing this warrant	..	..	..	..	..	..			
Total amount to be levied	..	..	..	..	..	..			

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the said plaintiff.

19 & 20 Vict.  
c. 106, s. 46.

Application was made to the registrar for this warrant at                      minutes  
past the hour of                      in the                      noon of the                      day of                      187 .

34.

*Affidavit in support of Application for substituted Service.*

I, J. S. of [address and description], make oath and say as follows :—  
*State facts showing either that summons has come to the knowledge of defendant, or that he wilfully evades service of the same. Or, that upon inquiry at his usual place of abode, or at any other place where prior to the time when the plaint was entered he might probably have been met with, he could not be found so as to be served, and that in either case there is just ground to believe that he has gone out of the realm or otherwise absconded to avoid being served.*  
*Then state deponent's means of knowledge of the facts deposed to.*  
Sworn, &c.

35.

*Order for Leave to proceed as if Service had been effected.*

On the application of                      , and on reading the affidavit of                      , I do order that on                      the plaintiff be at liberty to proceed as if the above defendant had been personally served in this action.

[Judge or Registrar.]

36.

*Notice by Plaintiff of Consent to accept Instalments.**(To be annexed to summons.)**[Title of Action.]*

Take notice, that payment of the amount sued for herein will be accepted Order IV.,  
by instalments of *[state amount of instalment]* payable on the *[state the Rule 8.*  
*time or times at which the instalments will be accepted]*.

Dated this       day of       187 .

*[Plaintiff]* or  
*[Plaintiff's solicitor]* or  
*[Plaintiff's agent]*.

To the above-named *[defendant or defendants]*.

37.

County Court of       holden at

Order XXXII.

*List of Gentlemen who have consented to act as Assessors in this  
Court under Sect. 5 of "The County Courts Act, 1875."*

No.	Name.	Address.	Description.
1	A. B.    ..    ..		
2	C. D.    ..    ..		
3	E. F.    ..    ..		
4	G. H.    ..    ..		
5	I. K.    ..    ..		
6	L. M.    ..    ..		
7	N. O.    ..    ..		
8	P. Q.    ..    ..		
9	R. S.    ..    ..		
10	T. V.    ..    ..		
11	U. W.    ..    ..		
12	X. Y.    ..    ..		

FORMS UNDER "THE DEBTORS ACT, 1869,"  
IN WHICH SPECIAL MATTER SHOULD BE PRINTED.

**38.**

***Certified Copy of Order or Judgment.***

The County Court of \_\_\_\_\_, holden at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 187\_\_\_\_, before \_\_\_\_\_, Judge of the said Court.

[illegible]

I HEREBY CERTIFY that the above is a true copy of an entry in the Minute Book, Judgments, Orders, and other Proceedings of the County Court of

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 187 .

**Registrar.**

**Note.**—If the Judgment or Order is entered in any Minute or Order Book of a different form to the above, then the certificate must follow the form of such book.

	£	s.	d.
Amount of judgment or order, including costs .. ..			
Subsequent costs .. ..			
Paid into court .. ..			
Total sum now due .. ..			

39.

*Judgment-Summons on an Order or Judgment of a County Court.**(The figures are inserted ex. gr.)*

“The Debtors Act, 1869.”

In the [title of court issuing summons].

No. of plaint.

No. of judgment-summons.

Between A. B., plaintiff,  
[Address, description,]  
andC. D., defendant,  
[Present address, description, and, if  
known, place of employment.]

Whereas the plaintiff obtained a judgment [or if no judgment has been obtained, or if a fresh order has been obtained upon a judgment, an order] against you, the above-named defendant, in this court [or in the county court of ] holden at ] on the day of 187 , for the payment of 10*l.* for debt [or damages] and costs, and subsequent costs have been incurred in pursuance thereof amounting to 15*s.*:

And whereas you have made default in payment of the sum payable in pursuance of the said judgment [or order]:

You are therefore hereby summoned to appear personally in this court at [place where court holden], on the day of 187 , at the hour of in the noon to be examined on oath by the court touching the means you have or have had since the date of the judgment [or order] to satisfy the sum payable in pursuance of the said judgment [or order]; and also to show cause why you should not be committed to prison for such default.

Dated this day of 187 .

Registrar of the Court.

	£	s.	d.
Amount of judgment, or order, and costs .. .. .	10	0	0
Costs of warrant against the goods, if any .. .. .	0	15	0
Costs of previous judgment-summonses, hearing, and commitments, if any .. .. .			
	10	15	0

	£	s.	d.
Paid into court .. .. .	1	0	0
Deduct { Amounts which were not required to have been paid before the date of the summons .. .. .	4	15	0
	5	15	0

Sum payable .. .. .	5	0	0
Costs of the summons .. .. .	0	2	3

Amount upon the payment of which no further proceedings will be had until default in payment of next instalment ..	5	2	3
---	---	---	---



## 40.

*Order upon a Judgment-Summons altering Original Order or Judgment.*

"The Debtors Act, 1869."

In the [title of court issuing summons].

No. of plaintiff.

No. of judgment-summons.

Between A. B., plaintiff,

[Address, description,]

and

C. D., defendant,

[Present address, description, and, if known, place of employment.]

Whereas the plaintiff obtained a judgment [or order] against the defendant in the county court of        holden at        on the        day of       , 187   , for the payment of £       , together with £        for costs, and in payment thereof [or of        part thereof] the defendant hath made default:

[or, Whereas the plaintiff obtained a judgment against the defendant in (        ) division of her Majesty's High Court of Justice [or as the case may be] on the        day of       , for the sum of £       , and there is now due and payable upon the said judgment the sum of       ]:

And whereas a summons was, at the instance of the plaintiff, duly issued out of this court, by which the defendant was required to appear personally at this court on the        day of        187   , to be examined on oath touching the means he had then or had had since the date of the judgment [or order] to pay the said sum, which summons was proved to this court to have been personally and duly served on the defendant:

Acknowledgment of payment into court.

Date.	£	s.	d.	Received by
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

It is ordered, that the defendant do pay the amount still due on the said judgment, and the costs of the said summons and its hearing, as stated at the foot of this order, to the registrar of this court, by instalments of £        for every        days; the first payment to be made on the        day of       , 187   .

Given under the seal of the court, this        day of       , 187   .

Registrar of the Court.  
£    s.    d.

Amount on judgment or order remaining due

Costs of judgment-summons and its hearing

£

## 41.

*Order of Commitment.*

(The figures are inserted ex. gr.)

"The Debtors Act, 1869."

In the [title of court ordering committal].

No. of plaintiff.

No. of judgment-summons.

No. of order.

Between A. B., plaintiff,

and

C. D., defendant.

To the high bailiff and others the bailiffs of the said court and all peace officers within the jurisdiction of the said court, to the governor or keeper of the [prison used by the court].

Whereas the plaintiff obtained a judgment [or order] against the defendant

in the county court of            holden at           , on the            day of            187   , for the payment of 10*l.*, for debt [*or* damages] and costs, and subsequent costs have been incurred in pursuance thereof amounting to 15*s.* :

And whereas the defendant hath made default in payment of 5*l.*, payable in pursuance of the said judgment [*or* order] :

And whereas a summons was, at the instance of the plaintiff, duly issued out of this court, by which the defendant was required to appear personally at this court on the            day           , 187   , to be examined on oath touching the means he had then or had had since the date of the judgment [*or* order] to satisfy the sum then due and payable in pursuance of the judgment [*or* order], and to show cause why he should not be committed to prison for such default, which summons has been proved to this court to have been personally and duly served on the defendant :

And whereas, at the hearing of the said summons, it has now been proved to the satisfaction of the court that the defendant now has [*or* has had] since the date of the judgment [*or* order], the means to pay the sum then due and payable in pursuance of the judgment [*or* order], and has refused [*or* neglected], [*or* then refused or neglected] to pay the same, and the defendant has shown no cause why he should not be committed to prison.

Now, therefore, it is ordered that, for such default as aforesaid, the defendant shall be committed to prison for            days, unless he shall sooner pay the sum stated below as that upon the payment of which he is to be discharged, or shall file such affidavit as is mentioned in Order XIX., Rule 20, of the County Court Rules, 1875.

These are therefore to require you, the said high bailiff, bailiffs, and others, to take the defendant, and to deliver him to the governor or keeper of the [*prison used by the court*], and you the said governor or keeper to receive the defendant, and him safely keep in the said prison for            days from the arrest under this order, or until he shall be sooner discharged by due course of law.

Given under the seal of            this [*insert date of order*] date of  
187   .

E. F.,  
Registrar of the Court.

	£	s.	d.
Total sum payable at the time of issuing of the judgment- summons .. .. .	5	2	3
Hearing of summons, and poundage upon this order .. .. .	0	10	0
	5	12	3
Deduct amount paid into court subsequent to the hearing of the judgment-summons.. .. .	2	0	0
Total sum upon payment of which the prisoner will be discharged .. .. .	3	12	3

## FORMS IN WHICH SPECIAL MATTER NEED NOT BE PRINTED.

[NOTE.—For formal parts of these forms see Nos. 1 to 6.]

42.

### *Undertaking by next Friend of Infant to be responsible for Defendant's Costs.*

I, the undersigned E. F., of \_\_\_\_\_, being the next friend of A. B., who is an infant, and who is desirous of entering a plaint in this court against C. D. of, &c., hereby undertake to be responsible for the costs of the said C. D., in such action, in manner following; namely, if the said A. B. fail to pay to the said C. D., when and in such manner as the court shall order, all such costs of such action as the court shall direct him to pay to the said C. D., I will forthwith pay the same to the registrar of the court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 187 .

E. F.

43.

### *Notice to High Bailiff of Foreign Court of Order against him for Neglect.*

Order II.,  
Rule 25.

Take notice, that on the application of the above-named plaintiff made this day, it is ordered that within \_\_\_\_\_ days of the service of this order upon you, you do pay to me for the use of the said plaintiff the sum of £ \_\_\_\_\_ as compensation for loss of time and expense incurred by him owing to your neglect to return to me the copy summons herein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 187 .

Registrar.

To the High Bailiff,  
County Court.

44.

### *Undertaking by Solicitor to be responsible for Costs.*

[Title of Action.]

Order IV.,  
Rule 2.

As solicitor for the above-named plaintiff, I hereby undertake to be personally responsible for any costs which the said plaintiff may be ordered to pay to the said defendant in this action.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 187 .

Solicitor for the plaintiff.

45.

### *Agreement to give Jurisdiction to a County Court.*

19 & 20 Vict.  
c. 108, s. 23.

We [or the respective solicitors of] A. B., of, &c., and C. D., of, &c., do hereby agree that the County Court of \_\_\_\_\_, holden at \_\_\_\_\_, shall have power to try an action to be brought by A. B. against C. D. for \_\_\_\_\_ under the provisions of sect. 23 of "The County Courts Act, 1856."

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ 187 .

A. B. [or E. F., solicitor for A. B.]  
C. D. [or G. H., solicitor for C. D.]

46.

*Certificate of Deposit.*

I do hereby certify that the plaintiff [or defendant] has paid into my hands the sum of £ [here state the proceeding which has rendered the deposit necessary]. 19 & 20 Vict. c. 108, s. 71.

Dated this       day of       187 .

Registrar of the Court.

## EXAMPLES OF PARTICULARS OF DEMAND.

*A.—In an Action for a Debt or a liquidated Money Demand.*

		(Seal.)		
Dates.		£	s.	d.
187 .	The plaintiff demands of you payment of this account:—			
13th March.	To an onyx ring.. .. .	4	4	0
18th "	To mending watch .. .. .		18	3
7th April.	To a hair chain .. .. .	1	17	0
24th June.	To money lent .. .. .	5	0	0
20th Sept.	To sundry repairs of jewellery.. .. .	3	5	0
		15	4	3

*B.—In an Action for a running Account of Small Items.*

		(Seal.)		
Dates.		£	s.	d.
From	The plaintiff demands of you payment of this account:—			
17th August.	Butchers' meat supplied to you, full particulars entered in your pass-book [or, bills delivered weekly, or, monthly, or, detailed account given to you] .. .. .			
187 , till				
12th Sept.				
187 .		18	6	2

*C.—In an Action on a Bill of Exchange or a Promissory Note.*

		(Seal.)		
Dates.		£	s.	d.
187 .	The plaintiff demands of you payment of this bill of exchange:—			
17th June.	Bill drawn by Arthur Briggs for .. .. .	20	0	0
	indorsed to plaintiff, accepted by you.			
20th Sept.	Due—			
	Interest 6 months .. .. .		10	0
	Noting and expenses .. .. .		4	3
		20	14	3

D.C.C.

N

## SUPPLEMENT TO DAVIS' COUNTY COURTS.

## D.—In an Action for Breach of Contract.

Dates.		£	s.	d.
187 .	The plaintiff demands of you these damages:—			
In or about Feb.				
2nd Sept.	for non-delivery of a cargo of bricks as per agreement .. .. .	25	0	0
	<i>or</i>			
3rd Oct.	for breach of warranty on sale of a horse ..	25	0	0

## E.—In an Action of Tort.

Dates.		£	s.	d.
187 .	The plaintiff demands of you these damages..	12	0	0
17th August.	for injury caused to his carriage in the Strand by the carelessness of yourself or your servant.			
	<i>or</i>			
187 .	for an assault committed by you on him.			
	<i>or</i>			
187 .	for illegally distraining his goods at [place].			
7th March.	<i>or</i>			
10th Oct.	for illegally arresting him.			
	<i>or</i>			
187 .	for obstructing light and air from the windows of his house at [description of house].			
During present year.	<i>or</i>			
During last six months.	for diverting, <i>or</i> obstructing, <i>or</i> fouling his watercourse at [place].			
	<i>or</i>			
187 .	for negligence as his solicitor in defending, at the Kingston Assizes, the action brought against him by Thomas Brown.			
April.				

## F.—In an Action of Detinue, claiming Delivery of Specific Article.

A. No. 45.

(Seal.)

Date.		£	s.	d.
187 .	The plaintiff demands of you the delivery of a specific bracelet belonging to him, valued at .. .. .	15	0	0
16th March.	and detained by you.			
	Special damages caused by their detention ..	2	0	0
		17	0	0

## G.—In an Action of Trover.

(Seal.)

Date.		£	s.	d.
187 .	The plaintiff demands of you these damages, for having converted to your own use the following goods of his:—			
10th Sept.	A table, worth .. .. .	5	0	0
	A piano .. .. .	12	0	0
	A bed .. .. .	3	10	0
		20	10	0

## H.—In an Action for Services by House Agent giving Credit for Payments and Set-off.

		(Seal.)		
Dates.		£	s.	d.
187 , March.	The plaintiff demands of you payment of this account:—			
	Commission as house agent for selling your house No. 15, Regent Street .. ..	57	10	0
	By sundry payments .. ..	35	0	0
Between June 187 , and Aug. 187 .	By set-off for bread and flour supplied by you as per bill delivered .. ..	43	17	8
	Balance due .. ..	13	12	4

## I.—In an Action against an Executor charging Waste of Assets.

Dates.		£	s.	d.
From Christmas, 187 , till May 1871.	The plaintiff demands of you, as executor of John Baker, payment of this medical account due to him from the testator :—[Set out Account in ordinary form.]			
	He states that you have wasted the testator's assets.			
	He therefore demands that his account be paid out of the testator's assets in your hands ; or, if they are not sufficient, out of your own goods.	18	0	0

## K.—In an Action for recovering Possession of a Tenement when Term has expired or been determined by Notice.

		A. No. 45. (Seal.)		
Dates.		£	s.	d.
187 . 7th Oct.	The plaintiff demands of you:—			
	1. Possession of the two rooms on first floor of No. 14, Brick Court, Haymarket, your interest as tenant of the premises to him having expired [or having been determined by a notice to quit].			
Up to 7th Oct.	2. Rent of the same premises for eight weeks at 7s. a week .. ..	2	16	0
From 7th Oct. to 17th Nov.	3. Mesne profits for five weeks and six days ..	2	1	0
	He also states that neither the rent nor the value [or that the rent or the value] of the premises exceeds 50 <i>l.</i> by the year.	4	17	0

**L.—In an Action for recovering Possession of a Tenement unless Rent in Arrear be paid.**

Date.		£	s.	d.
Up to Michaelmas 187 .	The plaintiff states that you are his tenant of No. 14, Brick Court, Haymarket; that your rent is in arrear for [ <i>state period not less than one half-year</i> ]; and that he is entitled by law to re-enter for its nonpayment. He therefore demands of you possession of the premises, unless you pay him the rent in arrear .. .. . and the costs .. .. . He also states that neither the rent nor the value [ <i>or that the rent or the value</i> ] of the premises exceeds 50 <i>l.</i> by the year.	20	0	0

**M.—In an Action of Ejectment.**

The plaintiff states that he is entitled to eject all persons from [*describe by name, abutments, or otherwise, the place in question*].

He therefore demands of you possession of the premises.

He therefore states that neither the rent nor the value [*or that the rent or the value*] of the premises exceeds .. .. . by the year.

**N.—In an Action by a Creditor to administer the Estate of a deceased Debtor.**

Dates.		A. No. 45. (Seal.)		
		£	s.	d.
187 .	The plaintiff demands of you, as administrator of James Smith, payment of this account due to him from the intestate:—			
1st Feb.	Coat, trousers, and vest .. .. .	7	10	0
14th Feb.	Repairing coat .. .. .		7	6
2nd March.	Livery for footman .. .. .	4	4	0
	Dress trousers .. .. .	1	15	0
	Or that the estate of the intestate may be administered under the order of the court.			
	He also states that the estate to which this suit relates does not exceed 500 <i>l.</i> in value.			
		13	16	6

**O.—In an Action by a Legatee to administer the Estate of a Testator.**

Dates.		£	s.	d.
Of will, 15th June 1862.	The plaintiff demands of you, as executor of John Baker, payment of a legacy of .. due to him under the testator's will.	30	0	0
Of probate, 7th Sept. 187 .	or that the estate of the testator may be administered under the order of the court. He also states that the estate to which this suit relates does not exceed 500 <i>l.</i> in value.			

P.—*In an Action by a Beneficiary for Execution of a Trust.*

Date.

Of deed,  
1868.  
1st June.

The plaintiff states that he is beneficially interested in a deed made between [*describe parties shortly*], and of which you are the trustee, and he demands that the trusts, so far as they relate to him, may be executed under the order of the court. He also states that the estate to which the suit relates does not exceed 500*l.*

Q.—*In an Action for Foreclosure.*

Dates.

1869.  
2nd Sept.  
up to  
187 .  
Michaelmas.

The plaintiff demands of you the payment of due from you under a mortgage deed.  
with interest .. .. .  
and costs .. .. .  
Or that the mortgage be enforced by foreclosure or sale as the court shall direct.

£	s.	d.
150	0	0
20	0	0
15	0	0
185	0	0

R.—*In an Action for Redemption.*

Date.

1869.  
2nd Sept.

The plaintiff demands of you the redemption of [*describe mortgaged premises*], comprised in a mortgage deed made between him and you, on payment of the principal money, interest, and costs due thereon. He also states that the estate to which this suit relates does not exceed 500*l.* in value.

S.—*In a Suit for Specific Performance.*

Date.

187 .  
7th July.

The plaintiff demands the specific performance by you of an agreement to sell him a house, No. 24, Great Portugal Street. He also states that the estate to which this suit relates does not exceed 500*l.* in value.

T.—*In an Action by an Executor to obtain judicial interpretation of a Will.*A. No. 45.  
(Seal.)

Dates.

Of will,  
15th June,  
1862.  
Of probate,  
7th Sept.  
187 .

The plaintiff states that you [*or you severally*] claim a legacy of .. .. . bequeathed by the testator's will "to George Gord, the son of — Gord;"

or

that you claim certain plate; *or* books, *or* trinkets, under a legacy bequeathed to you by the testator's will of "household furniture;"

And he demands that so much of the estate of the testator as relates to this legacy may be administered under the order of the court. He also states that the estate to which this proceeding relates does not exceed 500*l.* in value.

£	s.	d.
50	0	0



## SUPPLEMENT TO DAVIS' COUNTY COURTS.

U.—*In an Action by a Beneficiary for the appointment by the Court of New Trustees.*

(Seal.)

Date.	
Of deed. 28th July 18 .	The plaintiff states that he is beneficially interested in a deed made between [ <i>describe parties shortly</i> ]; that all the trustees are dead; and that no power exists of appointing others except on application to the court. He therefore demands that new trustees may be appointed under the order of the court. He also states that the estate to which this proceeding relates does not exceed 500 <i>l.</i> in value.

V.—*In an Action for Advancement of an Infant.*

(Seal.)

Date.	
18 . 10 Oct.	The plaintiff by his next friend, demands that you, as his trustee under the will [ <i>or deed</i> ] of [ <i>name, address and description</i> ], do advance to him 100 <i>l.</i> out of the trust fund for the purpose of paying for his outfit to India, or that the trust be administered under the order of the court.

W.—*In an Action for the Dissolution of Partnership.*

(Seal.)

Date.	
Of partnership deed. 18 . 1st May.	The plaintiff demands that an account of the partnership dealings between himself and you be taken; that the affairs of the partnership be wound up; and that the partnership be dissolved under the order of the court. He also states that the estate to which this suit relates does not exceed 500 <i>l.</i> in value.

X.—*In an Action for Partition.*

(Seal.)

The plaintiff demands the partition of the farm called Knowlands, containing about seven acres, and situate in the parish of Kemsing, in Kent, which he now holds conjointly with you.

He also states that the estate to which this suit relates does not exceed 500*l.* in value.

Y.—*In an Action for Salvage.*

(Seal.)

Date.		£	s.	d.
187 . 14th Oct.	The plaintiff demands of you payment of his claim of . . . . . for salvage of your ship, the " <i>Maria</i> ."	20	0	0

*Z.—In an Action for Wages.*

		(Seal.)		
Dates.		£.	s.	d.
From 15th Jan. 187 .	The plaintiff demands of you payment of his claim of . . . . . for wages in respect of services rendered on board your ship the "Maria." As per signed agreement.	60	0	0
to 10th Sept. 187 .				
12th Jan. 187 .				

*AA.—In an Action for Damage to Ship by Collision.*

		(Seal.)		
Date.		£	s.	d.
187 . 10th Oct.	The plaintiff demands of you these damages . for injury caused to his sloop the "Jane" by collision through the unskilful navigation of your steamboat the "Rapid."	100	0	0

*BB.—In an Action for Freight.*

		(Seal.)		
Date.		£	s.	d.
187 . Aug.	The plaintiff demands of you for freight in conveying in his ship the "Jane" tons of coals for you from Newcastle to London	25	0	0

*CC.—In an Action against a Shipowner for Non-delivery of Cargo.*

		(Seal.)		
Date.		£	s.	d.
187 . Sept.	The plaintiff demands of you these damages . for not delivering to him as per agreement the cargo of wheat which you undertook to convey from ——— to ———.	115	0	0

*DD.—In an Action against a Shipowner for negligent Stowage of Cargo.*

		A. No. 45. (Seal.)		
Date.		£	s.	d.
187 . Sept.	The plaintiff demands of you these damages . for negligently stowing on board your ship the "Jane" his skins, which you undertook to convey from Riga to London, and which in consequence of wet stowage were seriously injured.	23	10	0

47.

*Notice of Sureties.*

Take notice, that the sureties whom I propose as my security in the above cause [*here state the proceeding which has rendered the sureties necessary*] are [*here state the full names and additions of the sureties, whether housekeepers or freeholders, and their residences for the last six months, therein mentioning the county or city, places, streets, and numbers, if any*].

Dated this       day of       187   .  
To the       .

48.

*Affidavit of Justification.*

I       of       one of the sureties for the defendant, make oath, and say that I am a housekeeper [*or freeholder, as the case may be*], residing [*describing particularly the county or city, the street or place, and the number of the house, if any*], that I am worth property to the amount of £ [*the amount required by the practice of the court*] over and above what will pay my just debts [*if security in any other action or for any other purpose, add, and every other sum for which I am now security*], that I am not bail or security in any other action or proceeding or for any other person [*or if security in any other action or actions, add, except for C. D., at the suit of E. F., in the court of       in the sum of £       for G. H., at the suit of I. K., in the court of       in the sum of £       specifying the several actions with the courts in which they are brought and the sums in which he has become bound*]; that this my property to the amount of the said sum of £ [*and if security in any other action, &c., over and above all other sums for which I am now security as aforesaid*], consists of [*here specify the nature and value of the property in respect of which the deponent proposes to become bondsman as follows*], stock in trade, in my business of       carried on by me at       of the value of £       , of good book debts owing to me to the amount of £       , of furniture in my house at       of the value of £       , of a freehold [*or leasehold*] farm of the value of £       situate at       occupied by       or of a dwelling house of the value of £       situate at       occupied by       or of other property, particularizing each description of property, with the value thereof], and that I have for the last six months resided at       [*describing the place of such residence, or if he has had more than one residence during that period, state it in the same manner as above directed*].

49.

*Bond under "The Summary Procedure on Bills of Exchange Act, 1855."*

18 & 19 Vict.  
c. 67.

Know all men by these presents, that we A. B. of &c., and C. D. of &c., and E. F. of &c., are jointly and severally held and firmly bound to G. H. of &c., in £       to be paid to the said G. H., or his certain attorney, executors, administrators, or assigns. For which payment to be made we bind ourselves and each and every of us, in the whole, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this       day of       one thousand eight hundred and       .

Whereas an action       has been brought in the county court of       holden at       wherein the above-named G. H. is plaintiff, and the above-bounden A. B.

is defendant, on a certain bill of exchange [*or promissory note*] under "The Summary Procedure on Bills of Exchange Act, 1855:"

And whereas leave has been duly given, according to the provisions of the said act, to the said A. B. to defend the said action upon his giving security to be approved by the registrar of the court aforesaid, for the amount claimed in the said action and costs of trial thereof:

And whereas the above-named C. D. and E. F., at the request of the said A. B., have agreed to enter into the above-written obligation for the purposes aforesaid, and the security intended to be hereby given has been approved of by the registrar of the said county court, as appears by his allowance in the margin hereof: Now the condition of this obligation is such, that if the above-bounden A. B., C. D., and E. F., any or either of them, shall pay unto the said G. H., his executors, administrators, or assigns, the amount claimed in the said action, and the costs of the trial thereof, upon judgment being given for the plaintiff, then this obligation shall be void, otherwise shall remain in full force.

I approve of  
this bond.  
J. K.,  
Registrar.  
(L.S.)  
*This bond re-  
quires a stamp.*

A. B. (L.S.)  
C. D. (L.S.)  
E. F. (L.S.)

Signed, sealed, and delivered by the above-bounden in the presence  
of

[NOTE.—If a deposit of money be made the memorandum thereof should follow the terms of the condition of the bond, and will not require a stamp.] 19 & 20 Vict.  
c. 108, s. 71.

## 50.

*Particulars of Plaintiff's Demand or Cause of Action in Actions  
of Contract ordered to be tried in a County Court.*

In the county court of holden at  
Between A. B.,  
[Address and description,]  
and  
C. D.,  
[Address and description.]

Being an action of contract commenced in her Majesty's High Court of Justice, and sent by order of a judge at chambers under section 7 of "The County Courts Act, 1867," to be tried in this court [*here, where writ not specially endorsed, state the particulars of the plaintiff's demand or cause of action according to the facts, adding*] Above are the particulars of the plaintiff's demand [*or cause of action*]. 30 & 31 Vict.  
c. 142, s. 7.

Dated this day of 187 .

A. B., plaintiff,  
*or*  
E. F., plaintiff's solicitor.

To the registrar of the court  
and to the defendant.

## 51.

*Notice of Trial of Action of Contract ordered to be tried in  
a County Court.*

Being an action of contract commenced in Her Majesty's High Court of Justice, and sent by order of a judge thereof under section 7 of "The County Courts Act, 1867," to be tried in this court. 30 & 31 Vict.  
c. 142, s. 7.

Take notice that this action will be tried at a court to be holden on the  
day of                      at                      o'clock in the forenoon.

Dated this                      day of                      187 .

Registrar of the court.

The plaintiff and defendant.

[To the notice sent to defendant the registrar must annex a copy of the plaintiff's particulars of demand or cause of action where given.]

## 52.

### *Statement of Plaintiff's Cause of Action in Actions of Tort remitted for Trial in a County Court.*

In the county court of                      holden at  
Between A. B., plaintiff,  
[Address and description,]  
and  
C. D., defendant,  
[Address and description.]

30 & 31 Vict.  
c. 142, s. 10.      Being an action of tort commenced in her Majesty's High Court of Justice, and remitted by order of a judge thereof under section 10 of "The County Courts Act, 1867," to be tried in this court.

This action is brought :

Malicious  
prosecution.

A. For that the defendant maliciously and without reasonable or probable cause laid an information before E. F., a justice of the peace for the county of                      against the plaintiff for having feloniously stolen a bushel of wheat belonging to the defendant, upon which charge the plaintiff was committed to the county gaol at                      , and was there imprisoned two months, and the defendant afterwards maliciously and without reasonable or probable cause caused the plaintiff to be prosecuted, indicted, and tried at the last assizes for the said county upon the said charge, when the plaintiff was acquitted, and the prosecution came to an end, by reason whereof the plaintiff was injured in his person and character, and was put to expense in defending himself against the said charges; and the plaintiff claims 100*l.* damages.

Illegal arrest

B. For that the defendant wrongfully and unlawfully gave the plaintiff into the custody of a policeman, and caused him to be handcuffed, and to be imprisoned in a police station, and thence to be taken in custody to a police office, and there to be further imprisoned, whereby the plaintiff was put to expense in procuring his liberation from such imprisonment and in finding bail for his subsequent appearance before a justice of the peace; and the plaintiff claims 30*l.* damages.

Illegal distress.

C. For that the defendant, under a certain distress for rent due from the plaintiff to him, seized and sold more goods and chattels of the plaintiff both in quantity and value than were reasonably sufficient to satisfy the arrears of rent due, and the costs of the distress; and the plaintiff claims 20*l.* damages.

Assault.

D. For that the defendant assaulted, beat, and wounded the plaintiff, in consequence whereof the plaintiff suffered much pain, and was confined to his bed, and put to expense in obtaining medical advice and attendance to cure him of the injuries inflicted by such beating and wounding; and the plaintiff claims £100 damages.

Libel.

E. For that the defendant falsely and maliciously wrote and published of and concerning the plaintiff the words following: "*he is a liar, a blackguard, and a scoundrel*;" and the plaintiff claims £200 damages.

Libel of  
plaintiff in

F. For that the defendant falsely and maliciously caused to be printed and published of and concerning the plaintiff in the way of his trade as a grocer,

the words following: "*Mr. A. B. sands his sugar and dusts his pepper,*" whereby the plaintiff was injured in his trade, and lost the custom of several persons, particularly X., Y., and Z., who had before dealt at the plaintiff's shop; and the plaintiff claims £50 damages. the way of his trade.

G. For that the defendant falsely and maliciously spoke and published of and concerning the plaintiff the words following: "*A. B. is a thief, and stole Mr. Brown's ducks;*" and the plaintiff claims £30 damages. Slander.

H. For that the defendant falsely and maliciously spoke and published of and concerning the plaintiff, in the way of his business and calling as a ratcatcher, the words following: "*A. B. is a great rogue, and instead of doing his best to kill the rats he encourages the breed, so that he may have more employment from the farmers,*" whereby the plaintiff was injured in his business, and several farmers, particularly X., Y., and Z., who had usually employed him to kill the rats on their farms, ceased to do so; and the plaintiff claims £20 damages. Slander of plaintiff in the way of his calling.

J. For that the defendant debauched and carnally knew M. G., then being the daughter and servant of the plaintiff, whereby the said M. G. became pregnant, and was delivered of a child; and the plaintiff thereby lost her services, and incurred expense in nursing and obtaining medical assistance and attendance for her; and the plaintiff claims £100 damages. Seduction.

Above is the statement of the plaintiff's cause of action.

Dated this            day of            187 .

A. B., plaintiff,

or

E. F., plaintiff's solicitor.

To the registrar of the court  
and to the defendant.

[*N.B.—The above Forms are only given as examples; and the statement of the plaintiff's cause of action must in all cases be according to the facts, and be as concise as possible.*]

### 53.

#### *Notice of Trial of Action of Tort remitted for Trial in a County Court.*

Being an action of tort commenced in her Majesty's High Court of Justice, and remitted by order of a judge thereof, under section 10, of "The County Courts Act, 1867," to be tried in this court. 80 & 81 Vict. c. 142, s. 10.

Take notice that this action will be tried at a court to be holden on the  
day of            at            o'clock in the forenoon.

[*N.B.—To the notice sent to the defendant the registrar must annex a copy of the statement of the plaintiff's cause of action.*]

### 54.

#### *Affidavit for Discovery.*

I, A. B., the above-named plaintiff [*or defendant*] make oath and say as follows: [*Here set out in paragraphs the documents, and that the deponent is advised and believes that it is material and necessary for him, in order to support his claim upon the trial, to have such documents produced to him, and that he will derive material advantage and support from their production, and that he is advised and believes that he is entitled to their production, and that he believes that the said documents are in the possession or power of the defendant.*]

55.

*Order for Discovery.*

Upon reading an affidavit by the plaintiff [*or* defendant], a copy of which is annexed marked A., I do order that the plaintiff [*or* defendant] do within days answer an affidavit, stating what documents he has in his possession or power relating to the matters in dispute in this cause, and what he knows as to the custody they or any or either of them are in, and whether he objects, and if so, on what grounds, to the production of such as are in his possession or power.

And I further order, that the costs of this application and of the discovery shall be costs in the cause.

56.

*Affidavit in obedience to Order for Discovery.*

I of the above-named plaintiff [*or* defendant] make oath and say,—

1. That the documents hereinafter set forth are to the best of my knowledge and belief the only documents in my possession or power relating to the matters in dispute in this action, and the same are in my possession, viz. :—

A letter from to dated

An agreement purporting to be between E. F. and G. H., dated

2. I do not object to the production of the said documents, or any or either of them.

[*Or* I object to the production of the said documents [*or if not to all, but to some of them, state which*], on the following grounds, that is to say [*here state the grounds of objection*].]

57.

*Interrogatories Affidavit.*

We, A. B. of the above-named plaintiff [*or* defendant], and L. M. of solicitor in this cause for the said plaintiff [*or* defendant], make oath, and say, first,

And I the said A. B. for myself say,—

1. That I believe that I shall derive material benefit in this cause from the discovery which I seek by the interrogatories which I require to be delivered herein.

2. That I believe that I have a good cause of [*or* defence to this] action on the merits.

And I the said A. B. say—

3. That the plaintiff [*or* defendant] will derive material benefit by the discovery which he seeks by interrogatories.

4. That I believe that the plaintiff [*or* defendant] has a good cause of [*or* defence to this] action on the merits.

58.

*Order for an Oral Examination.*

Upon hearing the parties, their attorneys or agents [*or* counsel] on both sides, I do order that the plaintiff [*or* defendant] do attend before the registrar of this court at on the day of 18, at o'clock

in the noon, to be by him orally examined as to the points mentioned in the paper-writing hereunto annexed, the plaintiff's [*or* defendant's] answers to the interrogatories delivered to him in this action being insufficient in such points. [*Add where any documents are to be produced*: And I do further order that the plaintiff [*or* defendant] do produce to the said registrar at the same time and place the following documents [*here describe them shortly*].]

I further order that the costs of the examination, and of the proceedings herein, as may be taxed by the registrar, shall be paid by [*or shall abide the event, or as otherwise ordered*].

Dated this day of 18 .

## 59.

*Notice of Set-off.*

Take notice, that the defendant intends at the hearing of this cause to claim a set-off against the plaintiff's demand, the particulars of which set-off are annexed hereto. 9 & 10 Vict.  
c. 95, s. 76.

Dated this day of 187 .

The defendant [*or* 's solicitor].

To the registrar of the court.

[*The registrar is to annex to this notice the particulars of set-off, as furnished by defendant, sealed with the seal of the court.*]

## 60.

*Notice of Special Defence.*

Take notice, that the defendant intends at the hearing of this cause to give in evidence, and rely upon the following ground of defence. 9 & 10 Vict.  
c. 95, s. 76.

Dated this day of 187 .

The defendant [*or* 's solicitor].

To the registrar of the court.

That the defendant was an infant, within the age of twenty-one years, when the supposed claim arose [*or* the supposed contract or agreement was made], and that he was born as he believes at in the county of on the day of . Infancy.

That the defendant is now [*or*, that she was, at the time when the supposed claim arose, *or* the supposed contract or agreement was made], the wife of of . And that she was married to him at in the county of on the day of and that she resides at in the county of . Coverture.

That the claim for which the defendant is summoned is barred by a Statute of Limitation. Statute of  
Limitation.

That the defendant is a discharged bankrupt, and obtained his order of discharge from the [*here state court*] on the day of . Bankruptcy.

That the defendant was discharged by resolution of his creditors under s. 125 of "The Bankruptcy Act, 1869," which were duly registered in the London Court of Bankruptcy [*or elsewhere, as the case may be*] on the day of 187 . Liquidation.



Libel or  
slander.

That the libel [*or* slander] complained of is true in substance and in fact.

Equitable  
defence.  
Order IX.  
s. 15.

Take notice, that the defendant intends at the hearing of this action to rely as a matter of defence on the statement hereunto annexed.

*Statement.*

The facts constituting the equitable defence to this action are as follows.

[*Here set out the facts as concisely as possible, and number the paragraphs as in an affidavit.*]

NOTE.—*Notices of Special Defence, in cases commenced in superior court and sent to the county court for trial under sects. 7 or 10 of 30 & 31 Vict. c. 142, must have, in addition to the usual heading, in cases under sect. 7, the heading of Form 22, and in cases under sect. 10 the heading of Form 24.*

61.

*Notice to be given by Defendant under 6 & 7 Vict. c. 96, s. 1, in an Action for Libel or Slander remitted for Trial in a County Court.*

30 & 31 Vict.  
c. 142, s. 10.

Being an action for libel [*or* slander] commenced in her Majesty's High Court of Justice, and remitted by order of a judge thereof under sect. 10 of "The County Courts Act, 1867," to be tried before this court.

Take notice, that the defendant on the trial of this action will give in evidence in mitigation of damages that he made [*or* offered] an apology to the plaintiff for the libel [*or* slander] complained of before the commencement of the action [*or* as soon after the commencement of the action as he had an opportunity of doing so].

To the registrar of the court  
and to the plaintiff.

62.

*Notice to be given by Defendant under 6 & 7 Vict. c. 96, s. 2, in an Action for Libel remitted for Trial in a County Court.*

30 & 31 Vict.  
c. 142, s. 10.

Being an action for libel commenced in her Majesty's Court of at Westminster, and remitted by order of a judge thereof under sect. 10 of "The County Courts Act, 1867," to be tried before this court.

Take notice, that the defendant on the trial of this action will give in evidence and rely upon the following ground of defence; (that is to say,)

That the libel was inserted in the newspaper called or known by the name of without actual malice and without gross negligence, and that before the commencement of the action [*or* as soon after the commencement of the action as he had an opportunity of doing so] the defendant inserted in the said newspaper [*or* offered to publish in any newspaper or periodical publication to be selected by the plaintiff] a full apology for the said libel, and that the defendant has paid into court £ by way of amends for the injury sustained by the plaintiff by the publication of the said libel.

Dated this day of 187 .

C. D., defendant,

*or*

E. F., defendant's solicitor.

To the registrar of the court  
and to the plaintiff.

[N.B.—*If the libel was published in any periodical publication other than a newspaper, alter the notice accordingly.*]

## 63.

*Notice by Plaintiff that Judgment may be signed against individual Members of a Firm.*

[Title of Action.]

Take notice, that on the hearing of this action the court will be asked to order judgment against each of you whom I believe to be co-partners in the firm of [*state firm*], and that unless sufficient cause be shown by you or any of you to the contrary at such hearing, judgment will be ordered against you or such of you as do not show sufficient cause to the contrary at the hearing.

Order V.,  
Rule 9.

Dated this        of        187 .

Plaintiff.

To Mr. C. D., of        .  
To Mr. E. F., of        .  
To Mr. G. H., of        .

## 64.

*Notice to Plaintiff that Defendant defends on behalf of others.*

[Title of Action.]

Take notice, that the above-named defendant has obtained an order for leave to defend the above action on behalf of or for the benefit of [*state names of persons as in order*], as well as on his own behalf. You may, if you think fit, object at the trial to the defendant defending on behalf of all or any of such persons. The affidavit on which the above-mentioned order was made is filed at my office and may be inspected by you.

Order IX.,  
Rule 2.

Dated this        of        187 .

Registrar.

To the above-named plaintiff.

## 65.

*Notice to Third Party of Defendant's Claim to Contribution, Indemnity, &c.*

[Title of Action.]

Take notice, that the above-named defendant has filed a claim, a copy whereof is hereto annexed, whereby he claims [*contribution, indemnity, or, as the case may be*], by you [*insert name of third party*], towards [*or against, or in respect of, as the case may be*], any sum which the above-named [*insert plaintiff's name*] may recover against him in this action.

Order X.,  
Rule 1.

And take notice that if you wish to dispute the defendant's claim, you must appear at a court to be holden at        on the        day of        187 , at the hour of        in the        noon, to answer said claim.

If you desire the direction of the judge as to the conduct of the action or as to any proceedings or notices therein, you must file in this office a written application for that purpose, and thereupon apply to the judge before trial, and you must also give four days' notice of your intention to make such application to all parties interested.

Dated this        of        187 .

Registrar of the court.

To Mr.        ,  
of        .

66.

*Notice to Plaintiff of Defendant's Claim against a Third Party.*

[Title of Action.]

Order X.,  
Rule 1.

Take notice, that the above-named defendant has filed a claim, a copy whereof is hereto annexed, whereby he claims [*contribution, indemnity, or, as the case may be*], by [*state name and address and description of third party*], towards [*or against, or in respect of, as the case may be*], any sum which you may recover against him in this action.

And take notice, that if you desire the direction of the judge as to the conduct of the action, or as to any proceedings or notices therein, you must file in this office a written application for that purpose, and thereupon apply to the judge before trial, and you must also give four days' notice of your intention to make such application to all parties interested. You may also apply to the judge at the hearing to disallow the defendant's claim.

Dated this            of            187 .

Registrar of the court.

To the above-named plaintiff.

67.

*Notice to Defendant of Non-sufficiency of Affidavit under Order XI., Rule 5.*Order XI.,  
Rule 5.

Take notice, that the affidavit filed by you does not disclose a good defence to this action on the merits thereof, and you must therefore attend the court in pursuance of your summons [*or where the affidavit has accompanied the notice of defence required by a default summons*, upon the day mentioned in the notice sent herewith].

Dated this            of            187 .

Registrar of the court.

To the above-named defendant.

68.

*Notice to Plaintiff to deposit Sum in Court under Order XI., Rule 5.*

[Title of Action.]

Order XI.,  
Rule 5.

Take notice, that the above-named defendant (whose residence or place of business is more than twenty miles distant from this court), having filed with me an affidavit disclosing a good defence to this action upon the merits, you are required within two days from the date hereof to deposit in court the sum of £            , to abide the event of this action. And also take notice, that in default of your making such deposit as directed the action will be struck out.

Dated this            of            187 .

Registrar of the court.

To the above-named plaintiff.

## 69.

*Notice to Defendant of Deposit under Order XI., Rule 5, having been made, or not having been made.*

## [Title of Action.]

Take notice that the plaintiff has this day deposited with me the sum of £ , to abide the event of this action. Order XI., Rule 5.

Or, Take notice that the plaintiff has not deposited with me any sum of money to abide the event of this action. The action will be struck out and you need not attend the court in pursuance of your summons.

Dated this        of        187 .

Registrar of the court.

To the above-named defendant.

## 70.

*Order fining a Witness for Non-attendance.*

Whereas        of        was duly summoned to appear as a witness in this cause at a court this day holden, and at the time of being so summoned payment [or a tender of payment] of his expenses was made according to the scale of allowance settled by the rules of practice of the county courts: 9 & 10 Vict. c. 95, s. 86.

And whereas he has neglected without sufficient cause shown to appear at the court [or to produce] [*here describe what he was required by such summons to produce*]: or \*Whereas        being this day present in court, and being required by the court to give evidence in this cause, refused to be sworn, without alleging as a ground for such refusal that he had any conscientious scruples with respect to taking an oath [or, after being duly sworn, refused to give evidence, or to produce] [*here describe what he was required and bound to produce*]: It is hereby ordered that the said        shall forthwith [or on the        day of        187 ] pay to the registrar of this court a fine of £        for such neglect [or refusal].

## 71.

*Warrant of Execution against the Goods of a Witness for a Fine.*

Whereas        was duly summoned to appear as a witness in this cause at a court holden at        on the        day of        18 , and at the time of being so summoned, payment [or a tender of payment] of his expenses was made, according to the scale of allowance settled by the rules of practice of the county courts; and whereas he neglected, without sufficient cause shown, to appear at such court [or to produce] [*here describe what he was required and bound to produce*]: or \*Whereas        being present in court on the        day of        187 , and being required by the court to give evidence, refused to be sworn without alleging as a ground for such refusal that he had any conscientious scruples with respect to taking an oath [or after being duly sworn, refused to give evidence, or to produce, &c.], it was thereupon ordered by the court that he should forthwith [or on the        day of        18 ] pay to the registrar of this court a fine of £        for such neglect [or refusal]; and whereas the said sum has not been paid according to the said order, and the judge of this court has ordered it to be levied as hereinafter mentioned, 9 & 10 Vict. c. 95, ss. 86, 87.

\* Where witness is present in court, commence form here.

these are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the said \_\_\_\_\_ wheresoever they may be found, within the district of this court (excepting the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount of such fine and the costs of this execution, and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to him which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the registrar of this court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of this court, this \_\_\_\_\_ day of \_\_\_\_\_ 187 .  
By the court, \_\_\_\_\_  
Registrar of the court.

To the high bailiff of the said court, and  
others the bailiffs thereof.

								£	s.	d.
Amount of fine	..	..	..	..	..	..	..			
Poundage for issuing this warrant	..	..	..	..	..	..	..			
Total	..	..	..	..	..	..	..			

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the said witness.  
Application was made to the registrar for this warrant at \_\_\_\_\_ minutes past  
the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon of the \_\_\_\_\_ day of \_\_\_\_\_ 187 .

19 & 20 Vict.  
c. 108, s. 46.

72.

*Affidavit to obtain a Warrant to bring up a Prisoner.*

I \_\_\_\_\_ of \_\_\_\_\_ the plaintiff [or defendant] make oath and say, that the above cause is appointed to be tried at this court on the \_\_\_\_\_ day of \_\_\_\_\_ 187 , and that E. F., now a prisoner confined in [state the prison], will be a material witness for me upon the said trial. And I further say, that I am advised and verily believe that I cannot safely proceed to the trial of the said cause without the testimony of the said E. F. And I do hereby make application to the judge of this court for a warrant, in order that the said E. F. may be brought before this court to be examined as a witness on my behalf.

19 & 20 Vict.  
c. 108, s. 31.

73.

*Warrant to bring up a Prisoner to give Evidence.*

To [officer in whose custody the prisoner is].  
Whereas the plaintiff [or defendant] hath made application to me, by affidavit, for a warrant to bring up before this court E. F., who it is said is detained as a prisoner in your custody, in order that the said E. F. may be examined as a witness on behalf of the said plaintiff [or defendant] in a certain cause depending in this court between the said A. B., plaintiff, and C. D., defendant: You are therefore hereby required to bring the said E. F. before this court at [court-house] on the \_\_\_\_\_ day of \_\_\_\_\_ 187 , at

19 & 20 Vict.  
c. 108, s. 31.

o'clock in the                      noon, then and there to be examined as a witness on behalf of the said plaintiff [*or* defendant]; and immediately after the said E. F. shall have given his testimony before this court, that you safely conduct him the said E. F. to the prison from which he shall have been brought under this warrant.

## 74.

*Order for changing Venue.*

It is ordered, that the venue in the above cause be changed, and that the cause be sent for hearing to the county court of                      holden at                      .  
To the plaintiff and defendant.

19 & 20 Vict.  
c. 108, ss.  
20, 22.

## 75.

*Notice by Court to which an Action has been sent, of the Day of Trial.*

Take notice, that the above cause has been sent for trial to this court, and that it is appointed to be tried in this court on the                      day of                      187                      at                      the hour of                      in the                      noon.  
To the plaintiff and defendant.

19 & 20 Vict.  
c. 108, ss.  
20, 22.

## 76.

*Notice of Objection to Jurisdiction.*

Take notice, that under the provisions of sect. 39 of "The County Courts Act, 1856," I object to this action being tried in the county court; and I propose as my sureties [*here state the full names and additions of the sureties, whether housekeepers or freeholders, and their residences for the last six months, therein mentioning the county or city, places, streets and numbers, if any*] [*or*, and I propose to deposit a sum of money in lieu of giving sureties].

19 & 20 Vict.  
c. 108, s. 39.

Defendant.

To the registrar of the said court.

## 77.

*Bond where Notice of Objection to Jurisdiction given.*

Know all men by these presents, that we, A. B. of, &c., and C. D. of, &c., and E. F. of, &c., are jointly and severally held and firmly bound to G. H. of, &c., in £                      to be paid to the said G. H., or his certain attorney, executors, administrators, or assigns. For which payment to be made we bind ourselves and each and every of us, in the whole, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Scaled with our seals, and dated this                      day of                      one thousand eight hundred and                      .

Whereas an action                      has been brought in the county court of                      holden at                      wherein the above-named G. H. is plaintiff, and the above-bounden A. B. is defendant:

And whereas the said A. B. has given due notice to the said G. H. of his the said A. B.'s objection to the said action being tried in the said court, as provided by sect. 39 of 19 & 20 Vict. c. 108:

19 & 20 Vict.  
c. 108, s. 39.  
A sum sufficient to cover the amount claimed, and costs of trial in High Court of Justice, not exceeding in the whole 150*l*.

For notice of sureties and affidavit of justification, see Forms 15 and 16.

And whereas it is by the same section of the said statute provided, that the party who shall object shall give security, to be approved by the registrar of the court aforesaid, for the amount claimed, and the costs of trial in the High Court of Justice:

High Court  
of Justice.  
I approve of  
this bond.  
I. K.,  
(L.S.)  
Registrar.  
This bond  
requires a  
stamp.

And whereas the above-named C. D. and E. F., at the request of the said A. B., have agreed to enter into the above-written obligation for the purposes aforesaid, and the security intended to be hereby given has been approved of by the registrar of the said county court, as appears by his allowance in the margin hereof: Now the condition of this obligation is such, that if the above-bounden A. B., C. D., and E. F., any or either of them, shall pay unto the said G. H., his executors, administrators, or assigns, the costs of the trial in the High Court of Justice, and the amount for which a verdict may pass against the said A. B., then this obligation shall be void, otherwise shall remain in full force.

A. B. (L.S.)  
C. D. (L.S.)  
E. F. (L.S.)

Signed, sealed, and delivered by the above-bounden in the presence  
of

19 & 20 Vict.  
c. 108, s. 71.

NOTE.—If a deposit of money be made, the memorandum thereof should follow the terms of the condition of the bond, and will not require a stamp.

### 78.

*Consent that Court shall decide in an Action where Title has incidentally come in question.*

19 & 20 Vict.  
c. 108, s. 25.

We [or the respective solicitors of], the plaintiff and defendant, do hereby, under the provisions of sect. 25 of "The County Courts Act, 1856," consent that this action shall be decided by the judge of this court.

Given under our hands, this day of 187 .

Plaintiff [or 's solicitor].  
Defendant [or 's solicitor].

### 79.

*Notice to be sent to both Parties of Trial where Cause sent down by High Court of Justice.*

19 & 20 Vict.  
c. 108, s. 26.

Whereas, under the provision of sect. 26 of "The County Courts Act, 1856," an action commenced in the Court of [name of superior court], wherein A. B. of, &c., is plaintiff, and C. D. of, &c., is defendant, has been ordered by [name of judge of superior court] to be tried in this court:

Take notice, that the said action will be tried in this court on the day of at the hour of in the noon.

To plaintiff and defendant.

### 80.

*Application for Assessors.*

In the County Court of  
Between

holden at  
Plaintiff  
and  
Defendant.

No. of plaintiff.

Order  
XXXII.,  
Rule .

The plaintiff [or defendant] applies to have this action tried with an assessor [or assessors], and he submits to the judge the name of No. 1, A. B.,

merchant [*or as the case may be*], [*or No. 4, G. H., and No. 9, R. S.*], as fit persons to be summoned to act as assessors.

\* The defendant [*or plaintiff*] consents to the appointment of the assessors herein named, as appears by his consent thereto filed herewith.

Dated this            of            187 .

Plaintiff [*or defendant*].

*Memorandum of Consent by Judge.*

I consent to try this action with the assistance of the assessors [*or as the case may be*].

Judge.

\* Where the other party does not consent, strike this paragraph out.

81.

*Summons to Assessors.*

In the County Court of            holden at            .  
No.            .

[*Title of Action.*]

(*Seal.*)

The            day of            187 .

Sir,

You are hereby summoned to attend and serve as an assessor in this court on the            day of            187 , at the hour of            in the            noon, to assist the judge of the court in the hearing and determination of this action under sect. 5 of "The County Courts Act, 1875."

Order  
XXXII.,  
Rule .

I am, Sir,

Your obedient servant,

Registrar.

To            , of            .

82.

*Notice to opposite Party of Names of Assessors suggested by Party applying that the Action should be tried with their Assistance.*

Take notice that the plaintiff [*or defendant*] having applied to the judge for the appointment of assessors to assist him in trying this action, the judge is willing that it should be so tried.

Order  
XXXII.,  
Rule 9.

Below are the names of the assessors the plaintiff [*or defendant*] desires should be summoned.

Should you have any objection to their acting as assessors, you must forthwith send me in writing your reasons for your objection, and must mention the names of any other of the assessors of this court whom you are willing should be summoned.

Should you have no objection to the assessors named being summoned, you must forthwith sign this notice and return it to me.

No. 1, A. B., of            , Merchant.

No. 4, G. H., of            , Merchant.

The plaintiff [*or defendant*] has no objection to make to the above assessors being summoned.

(*Signature.*)



83.

*Notice of Sitting to hear Objections raised by one Party to the Assessors named by the other.*

[Title of Action.]

Order  
XXXII.,  
Rule 9.

Take notice that the judge [or I] will on the                      day of                      187                      , at  
the hour of                      in the                      noon, sit at No.                      street to hear the objec-  
tions made by the plaintiff [or defendant] to the under-mentioned persons  
being summoned to act as assessors in this action.

Dated this                      of                      187                      .

Registrar of the court.

To the above-named plaintiff and defendant.

84.

*Order upon hearing Objection to proposed Assessors.*

[Title of Action.]

Order  
XXXII.,  
Rule 9.

Upon the hearing of the objections made by the plaintiff [or defendant] to  
the under-mentioned persons being summoned to act as assessors in this action  
[here insert order].

By the court,

Registrar.

85.

*Summons where a Defendant sued by an Assignee has had Notice that the Assignment is disputed by the Assignor.*Order XXI.,  
Rule 9.

Whereas the defendant in this action has had notice from you that you dis-  
pute the assignment of the subject-matter in dispute between the plaintiff and  
defendant in this action [or that you claim the subject-matter in this action];

You are therefore summoned to appear at a court to be holden at                      on  
the                      day of                      at the hour of                      in the                      noon, when the dis-  
pute [or claim] between you and the plaintiff will be determined, and judgment  
be given determining the rights and claims of the plaintiff, the defendant, and  
yourself.

Dated this                      day of                      187                      .

Registrar.

To E. F., of [here insert address  
and description of the person to  
be summoned.]

86.

*Summons where a Defendant sued by an Assignee has had Notice that the Assignment is disputed by the Assignor, and has paid Debt and Costs into Court.*Order XXI.,  
Rule 10.

Whereas the defendant has had notice that you dispute the assignment of  
the subject-matter in this action.

And whereas he has paid into court the sum of £                      being the amount  
claimed by the action, and the sum of £                      for costs.

This is to give you notice that you must appear at a court to be holden on the      day of      at the hour of      in the      noon, when the court will adjudicate.

## 87.

*Order where Assignment is invalid.*

In the county court of      holden at      No of plaint      .

Between A. B., plaintiff,  
C. D., defendant,  
and

E. F., made party by summons, dated  
the      day of      .

It is this day adjudged, touching the dispute to the assignment of the subject-matter of this action to the plaintiff, that there is no such assignment as alleged, and that the said E. F. do recover against the plaintiff the said sum of £      for costs, and that the defendant do recover against the plaintiff the sum of £      for costs. Order XXI.,  
Rule 9.

It is further adjudged that the said E. F. do recover against the defendant the sum of £      for debt, and the sum of £      for costs.

It is ordered that the plaintiff do pay the sum of £      , and the sum of £      to the registrar on, &c.

And it is further ordered that the defendant do pay the sum of £      to the registrar, &c.

## 88.

*Order where Assignment is valid.*

[Heading as in last Form.]

No. of plaint      .

It is this day adjudged touching the dispute to the assignment of the subject-matter of this action to the plaintiff, that the said assignment is good, and that the plaintiff do recover against E. F. the sum of £      for costs; and that the defendant do recover from the said E. F. the sum for costs. Order XXI.,  
Rule 9.

It is further adjudged that the plaintiff do recover against the defendant the sum of £      for debt, and £      for costs.

It is ordered that E. F. do pay the sum of £      and the sum of      to the registrar of the court, on the      day of      .

And it is further ordered that the defendant do pay the sum of £      to the registrar on the      day of      [or by instalments of      for every      days, the first instalment to be paid on the      day of      18      ].

## 89.

*Order where Assignment is invalid and Defendant files a Counter Claim against Plaintiff.*

[Heading as in Form 87.]

It is this day adjudged touching the dispute to the assignment of the subject-matter of this action to the plaintiff, that there is no such assignment as alleged, and that the counter claim of £      against the plaintiff by the defendant is sustained. Order XXI.,  
Rule 9.

It is adjudged that the assignor do recover against the defendant the sum of £      for debt, together with the sum of £      for costs.

It is further adjudged that the defendant do recover against the plaintiff the sum of £            in respect of his counter claim and the sum £            for costs.

It is ordered that the defendant do pay the sum of £            together with the sum of £            to the registrar on, &c.

It is further ordered that the plaintiff do pay the sum of £            and the sum of £            to the registrar on, &c.

## 90.

*Registrar's Notice of Jury.*

9 & 10 Vict.  
c. 95, s. 70.

Take notice, that this cause will be tried by a jury, the            having demanded a jury therein.

## 91.

*Summons to Jurors.*

9 & 10 Vict.  
c. 95, s. 72.

In the county court of            holden at            .  
You are hereby summoned to appear and serve as a juror in this court, at the            on the            day of            187            , at the hour of            in the noon, upon the trial of the cause or causes to be then and there tried by jury, and in default of attendance you will be liable to a penalty of five pounds, under sect. 72 of "The County Courts Act, 1846."

Given under the seal of the court, this            day of            187            .  
To            Registrar of the court.  
of            .

## 92.

*Order fining a Juror for Non-attendance.*

9 & 10 Vict.  
c. 95, s. 72.

In the county court of            holden at            .  
Whereas            was duly summoned to appear and serve this day as a juror in this court, upon the trial of the cause or causes to be tried by jury at this court; and whereas he has neglected, without sufficient cause shown, to appear and serve as a juror at this court: It is hereby ordered, that he shall forthwith [or on the            day of            ] pay to the registrar of this court a fine of £            for such neglect.

## 93.

*Warrant of Execution against the Goods of a Juror for a Fine.*

9 & 10 Vict.  
c. 95, s. 87.

Whereas            was duly summoned to appear and serve as a juror at a court holden on the            day of            upon the trial of any cause or causes to be then and there tried by jury:

And whereas he neglected, without sufficient cause shown, then to appear and serve as a juror at such court, it was thereupon ordered by the court that he should forthwith [or on the            day of            ] pay to the registrar of this court a fine of £            for such neglect:

And whereas the said sum has not been paid according to the said order, and the judge of this court has ordered it to be levied as hereinafter mentioned; these are therefore to require and order you forthwith to make and levy, by distress and sale of the goods and chattels of the said            wheresoever they may be found within the district of this court (excepting the wearing apparel and bedding of him or his family, and the tools and implements of his trade,

if any, to the value of five pounds) the sum stated at the foot of this warrant, being the amount of such fine, and the costs of this execution, and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money belonging to him, which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the registrar of this court, and make return of what you have done under this warrant immediately upon the execution thereof.

[Conclude as in Warrant against a Witness.]

---

94.

*Order to adjourn Proceedings.*

It is ordered, that the trial of this action be adjourned until the                      day 19 & 20 Vict.  
of 187 , at o'clock in the noon. c. 108, s. 81.

---

95.

*Order appointing Guardian named by Infant Defendant.*

Whereas now, at the hearing of this cause, the defendant, being an infant, appears here in court, and names of to act as his guardian, who now assenting to act as such guardian, is hereby appointed to be guardian of the defendant to act on his behalf in this cause.

---

96.

*Order appointing Guardian of Infant Defendant where Defendant does not name a Guardian.*

Whereas now at the hearing of this cause, the defendant, being an infant, appears here in court, and does not name a guardian, E. F., of is hereby appointed to be guardian of the defendant to act on his behalf in this cause.

---

97.

*Agreement not to Appeal.*

We [or the respective solicitors or agents of] the above-named plaintiff and defendant, do hereby, under the provisions of sect. 69 of "The County Courts Act, 1856," agree that the decision of the judge of this court in this action shall be final. 19 & 20 Vict. c. 108, s. 69.

Given under our hands this                      day of

Plaintiff [or 's solicitor].  
Defendant [or 's solicitor].

---

98.

*Notice of desire to examine Defendant as to certain Debts due to him.*

I the above-named plaintiff am desirous, should I succeed in obtaining a judgment against the defendant, of having him examined forthwith after I Order XXIV.

## SUPPLEMENT TO DAVIS' COUNTY COURTS.

have obtained such judgment, as to whether or not the following debts are due to him from the following persons ; viz.

E. F. of            for goods sold and delivered.  
G. H. of            for work done.

(Signed)    A. B.  
                 Plaintiff.

To the registrar  
of the above court.

---

99.

*Order when Garnishee present.*

Whereas the plaintiff has obtained a judgment against the defendant for the sum of £            [*here insert the amount of judgment*] :

Upon examination of the defendant and E. F. of            it is ordered that all debts due and owing or accruing due from the said E. F. to the above-named defendant shall be attached to answer the said judgment debt.

And it is further ordered, that the said E. F. do pay into court the sum of            being the amount of the debt due from him to the above-named defendant [or being so much of the debt due from him to the above-named defendant as is sufficient to satisfy the said judgment debt] on the            day of            .

---

100.

*Summons upon a Garnishee.*

[*Heading as in No. 11.*]

Whereas the plaintiff at a court holden at            , on the            day of            18            , obtained a judgment against C. D. of [*name, address and description*] for the sum of            for            and costs, which judgment remains unsatisfied. And whereas the plaintiff having filed an affidavit stating that you are indebted to the said C. D., you are hereby summoned to appear at a court holden at            on the            day of            , 18            , at the hour of            in the noon, to show cause why an order should not be made upon you for the payment of the amount of the said judgment, or so much thereof as shall equal the amount of the debts due and owing and accruing from you to the said C. D.

And take notice, that from and after the service of the summons upon you all such debts are attached to answer the said judgment, and that if you shall pay the said debts to the said C. D., or otherwise dispose of them you will be liable to be committed for contempt.

And further take notice, that if you shall pay to the registrar of the court the amount of such debts, or so much thereof as will satisfy the judgment debt, you will incur no costs.

Registrar of the court.

To the defendant.

---

101.

*Judgment against Garnishee.*

Whereas the plaintiff at a court holden at            on the            day of            18            , obtained a judgment against C. D. of            for the sum of £            for            and for costs, and which judgment remains now unsatisfied: And whereas the plaintiff having filed an affidavit stating that the defendant was indebted to the said C. B., the defendant was summoned to show cause why he

should not be ordered to pay the amount of the said judgment or so much thereof as should equal the amount of the debts due and owing and accruing from him to the said C. D.; and the defendant having failed to appear before the court this day [or appeared before the court this day, and having failed to show cause why he should not be ordered to pay such debts or having shown sufficient cause why he should not be ordered to pay such debts]:

It is ordered, that the plaintiff do recover against the defendant the sum of £ [here insert the amount of the judgment debt, or so much thereof as the debts amount to when the same are less than the judgment debt,] and £ for costs, amounting together to the sum of £ [or that the plaintiff do pay the sum of £ for defendant's costs].

It is ordered that the defendant [or plaintiff] do pay the same to the registrar of the court on the day of 18, [or, where judgment for plaintiff, and the judge so order, by instalments of for every days; the first instalment to be paid on the day of 18.]

---

102.

### *Execution against Garnishee.*

Whereas on the day of 18 it was ordered that E. F. should pay into court the sum of £ being the [or so much of the] amount of debts found due from him to C. D. of [here insert address and description] a judgment debtor of A. B. [or as is sufficient to satisfy the judgment of the said A. B.]; and whereas default has been made in payment according to the said order; these are therefore [the same as in ordinary executions].

---

103.

### *Certificate of the Result of the Hearing of a Cause sent after Issue joined for Trial to a County Court.*

In the county court of holden at  
I hereby certify, that an action commenced in the High Court of Justice 19 & 20 Vict. wherein A. B. is plaintiff and C. D. is defendant, which, under section 26 of c. 108, s. 26. "The County Courts Act, 1856," was ordered by a judge thereof to be tried in this court, has been heard accordingly in this court, on this day, and that the result was as follows:

[State the finding on the several issues joined in the action, or that the plaintiff was nonsuited.]

Dated this day of 18 .

Registrar of the court.

---

104.

### *Order to suspend Order of Judgment.*

It is ordered, that an order of this court in this action, bearing date the day of 187, be suspended until the day of 187. 9 & 10 Vict. c. 98, s. 105.

---

105.

### *Order for Costs of the Day where Rule for a Certiorari or Prohibition has not been served.*

Whereas a rule [or summons] has been granted by [name of division of High Court of Justice or judge] requiring cause to be shown why a writ of 19 & 20 Vict. c. 108, s. 40.

certiorari [*or prohibition*] should not issue in this cause, and no order has been made by such court [*or judge*] respecting the costs in this court:

And whereas a copy of such rule [*or summons*] has not been served on the plaintiff [*or defendant*] [*or on the registrar*], according to section 40 of "The County Courts Act, 1856":

And whereas the plaintiff [*or defendant*] has on this day appeared at this court to prosecute [*or defend*] this cause:

It is ordered, that the defendant [*or plaintiff*] do pay the sum of £ for the plaintiff's [*or defendant's*] costs of the day, and it is ordered that the defendant [*or plaintiff*] do pay the same to the registrar of the court on the day of 187 .

## 106.

*Order for Costs of the Day where a Writ of Certiorari or Prohibition has not been lodged.*

19 & 20 Vict.  
c. 108, s. 41.

Whereas a writ of certiorari [*or prohibition*] has been granted in this cause by [*name of division of High Court of Justice or judge*], on the ex parte application of the defendant [*or plaintiff*], who has not lodged it with the registrar of the court [*or has not given notice to the plaintiff* [*or defendant*] that it has issued] two clear days before this day, being the day fixed for hearing this cause:

And whereas the said [*superior court or judge*] has made no order respecting the costs of the cause in this court:

And whereas the plaintiff [*or defendant*] has on this day appeared at this court to prosecute [*or defend*] this cause:

It is ordered, that the defendant [*or plaintiff*] do pay the sum of £ for the plaintiff's [*or defendant's*] costs of the day: and it is ordered that the defendant [*or plaintiff*] do pay the same to the registrar of the court on the day of 187 .

## 107.

*Order for a New Trial.*

It is ordered, that the judgment in this case, and all subsequent proceedings thereon, be set aside, and a new trial had between the parties on [*set out the terms or conditions, if any, on which the order is made*].

## 108.

*Order to rescind a former Order.*

9 & 10 Vict.  
c. 98, s. 100.

It is ordered that the order of this court in this action, bearing date the day of 18 , be rescinded.

## 109.

*Interpleader Summons to Execution Creditor.*

[*Heading as in No. 11.*]

30 & 31 Vict.  
c. 142, s. 31.

Whereas [*here insert the name, address, and description of claimant, so far as is then known*] hath made a claim to [*certain goods and chattels*] [*or*

monies, &c.] taken in execution under process issuing out of this court, at your instance] [or certain rent alleged to be due to him]:

You are therefore hereby summoned to appear at a court to be holden at on the day of 18, at the hour of in the noon, when the said claim will be adjudicated upon, and such order made thereupon as to the judge shall seem fit.

Dated this day of 18 .

Registrar of the court.

To the execution creditor.

NOTE.—*The claimant is called upon to give the particulars of his claim, which you may inspect on application at the office of the registrar of this court, four days before the day of hearing.*

---

110.

*Interpleader Summons to a Claimant setting up a Claim to the Goods or the Proceeds thereof.*

[*Name, address, and description of claimant*], you are hereby summoned to appear at a court to be holden at on the day of 18, at the hour of in the noon, to support a claim made by you to certain goods and chattels [or monies, &c.] taken in execution under process issued in this action at the instance of [*the execution creditor*], and in default of your then establishing such claim the said goods and chattels will then be sold [or the said monies, &c., paid over] according to the exigency of the said process; and take notice, that you are hereby required, five days before the said day, to deliver to the officer in charge of the said process, or leave at my office, particulars of the goods and chattels which [or the proceeds whereof] are claimed by you, and of the grounds of your claim; and in such particulars you shall set forth fully your name, address, and description; and take notice, that in the event of your not giving such particulars as aforesaid your claim will not be heard by the court.

To [*the claimant above-named*].

---

111.

*Interpleader Summons to a Claimant setting up a Claim to Rent in respect of the Premises upon which the Execution was levied.*

[*Name, address, and description of claimant*], you are hereby summoned to appear at a court to be holden at on the day of 18, at the hour of in the noon, to support a claim made by you to certain rent alleged by you to be due to you in respect of and issuing out of certain premises upon which certain goods and chattels were taken in execution under process of this court in this action at the instance of [*the execution creditor*]; and in default of your then establishing such claim the said goods and chattels will then be sold, and the proceeds thereof paid over according to the exigency of the said process [or, if such goods and chattels shall have been then sold, then the proceeds of such sale will be paid over according to the exigency of the said process]; and take notice that you are hereby required, five days before the said day, to deliver to the officer in charge of the said process, or leave at my office, particulars of the amount of the rent claimed by you, and of the period for which and of the premises in respect of which you claim such rent, and of the grounds of your claim; and in such particulars you shall set forth fully your name, address, and description; and take notice, that in the event of your not giving such particulars, your claim will not be heard by the court.

To [*the claimant above named*].



## 112.

*Interpleader Summons to an Execution Creditor, and to the High Bailiff where Claimant claims Damages as well as the Goods seized.*

Insert residence and description of claimant.

Whereas E. F. of                      hath made a claim to certain goods and chattels [or monies, &c.] taken in execution under process issuing out of this court at your instance, and hath also claimed from you and from the high bailiff of this court the sum of £                      for damages arising out of the said execution:

You and the high bailiff are therefore hereby summoned to appear at a court to be holden at                      the                      day of                      18                      , at the hour of                      in the                      noon, when the said claim, both as to the said goods and chattels, and as to the said damages, will be adjudicated upon, and such order made thereupon as to the judge shall seem fit.

To the execution creditor, and to                      the high bailiff of this court.

NOTE.—*The claimant is called upon to give the particulars of his claim, which you may inspect, on application at the office of the registrar of this court, four days before the day of hearing.*

## 113.

*Interpleader Summons to a Claimant setting up a Claim to Damages, as well to the Goods or the Proceeds thereof.*

[*Name, address and description of claimant*], you are hereby summoned to appear at a court to be holden at                      on the                      day of                      18                      , at the hour of                      in the                      noon to support a claim made by you to certain goods and chattels [or monies, &c.] taken in execution under process issued in this action at the instance of [*the execution creditor*], and also for damages arising out of such execution, and, in default of your then establishing such claim, the said goods and chattels will then be sold [or the said monies paid over], according to the exigency of the said process; and take notice that you are hereby required five days before the said day to deliver to the officer in charge of the said process, or leave at my office, particulars of the goods and chattels which [or the proceeds whereof] are claimed by you, and of the grounds of your claim, and also of the grounds upon which you claim damages, and you must also state in such particulars the amount of the damages you claim, and the party from whom you claim the same, and in such particulars you shall set forth fully your name, address and description; and take notice that in the event of your not giving such particulars as aforesaid your claim will not be heard by the court.

To [*the claimant above named*].

## 114.

*Order on an Interpleader Summons where the Claim is not established.*

Between A. B., plaintiff,  
and  
C. D., defendant,  
and  
E. F., claimant.

It is this day adjudged touching the claim of E. F.                      to certain goods and chattels [or monies, &c.] taken in execution in this action [or to certain rent alleged to be due to him], that the said goods and chattels [or monies, &c.]

or part thereof, to wit, &c., specifying them,] are the property of the execution debtor [or that there is no rent due to the said E. F.]

And it is ordered, that the costs of this proceeding, amounting to        be paid by the said E. F. to the registrar of this court on or before the        day of        for the use of the execution creditor.

## 115.

*Order on an Interpleader Summons where the Claim is established.*

It is this day adjudged, touching the claim of E. F.        to certain goods and chattels [or monies, &c.] taken in execution in this action [or to certain rent alleged to be due to him], that the said goods and chattels [or monies, &c. or part thereof, to wit, specifying them,] are his property [or that rent to the amount of £        is due to him].

And it is ordered, that the said [execution creditor] do pay to the registrar of this court, for the use of the said E. F., £        for costs, on or before the day of        18        .

## 116.

*Order on an Interpleader Summons where both Goods and Damages are claimed, and the Claim to neither is established.*

				No. of plaint
In the county court of	holden at			
(Seal.)				
Between A. B.,	..	..	..	plaintiff,
		and		
C. D.,	..	..	..	defendant.
And between E. F.,	..	..	..	claimant,
		and		

The execution creditor and the high bailiff  
of this court        ..        ..        .. respondents.

It is this day adjudged touching the claim of E. F.        to certain goods and chattels [or monies, &c.] taken in execution in this action, and for damages arising out of the said execution, and which E. F. claims against [the execution creditor] and the high bailiff of this court, that the said goods and chattels [or monies, &c., or part thereof, describe the part,] are the property of [the execution debtor], and that the said E. F. is not entitled to recover any damages from either [the execution creditor] or the high bailiff of this court:

And it is ordered that the costs of this proceeding, amounting to £        , be paid by the said E. F. to the registrar of this court on or before the day of        187        , as to £        , part thereof, for the use of the execution creditor, and as to £        , the residue thereof, for the use of the high bailiff of this court.

## 117.

*Order on an Interpleader Summons where both Goods and Damages are claimed, and the Claim to both is established.*

[Same heading as No. 116.]

It is this day adjudged, touching the claim of E. F. to certain goods and chattels [or monies, &c.] taken in execution in this action, and for damages        If the claim for damages be against

the execution creditor as well as against the high bailiff so state it. arising out of the said execution, and which E. F. claimed against the high bailiff of this court, that the said goods and chattels [or monies, &c., or part thereof, *specifying them*] are the property of E. F., and that E. F. is entitled to recover the sum of £            for damages arising out of the said executions against the high bailiff of this court:

And it is ordered that the high bailiff of this court do pay the said sum of            for damages, and the sum of £            for costs, and the execution creditor the sum of £            for costs, to the registrar of this court, for the use of the said E. F., on or before            day of            18 .

To the execution creditor and  
the high bailiff of this court.

---

118.

*Order on an Interpleader Summons where both Goods and Damages are claimed and the Claim to the Goods is, but that to Damages is not, established.*

[Same heading as No. 116.]

It is this day adjudged, touching the claim of E. F. to certain goods and chattels [or monies, &c.] taken in execution in this action, and for damages arising out of the said execution, and which E. F. claims against the execution creditor, and the high bailiff of this court, that the said goods and chattels [or monies, &c., or part thereof, *specifying them*] are the property of the said E. F., but that the said E. F. is not entitled to recover any damages from either the execution creditor or the high bailiff of this court:

And it is ordered that the execution creditor do pay to the registrar of this court, on or before the            day of            18 , the sum of            for costs for the use of the said E. F., and that the said E. F. do pay to the registrar of this court, on or before the            day of            18 , the sum of £            for costs, for the use of the high bailiff of this court.

To the execution creditor and  
to E. F. the claimant.

---

119

*Order on an Interpleader Summons where both Goods and Damages are claimed, and the Claim to the Goods is not, but the Claim to Damages is, established.*

[Same heading as No. 116.]

This may arise where the bailiff is guilty of some wrongful act in taking property of the execution debtor out of the possession of the claimant.

It is this day adjudged, touching the claim of E. F. to certain goods and chattels [or monies, &c.] taken in execution in this action, and for damages arising out of the said execution, and which E. F. claims against the execution creditor and the high bailiff of this court, that the said goods and chattels [or monies, &c.] are the property of the execution debtor, and that the said E. F. is entitled to recover £            for damages from the high bailiff of this court, but not any damages from the execution creditor:

And it is ordered that the said E. F. do pay to the registrar of this court, on or before the            day of            18 , the sum of £            for costs, for the use of the execution creditor, and that the high bailiff of this court do pay to the registrar of this court, on or before the            day of            18 , the sum of £            for costs, for the use of the said E. F.

To E. F. the claimant and  
the high bailiff.

120.

*Claim of an Execution Creditor for Damages from a High Bailiff.*

Take notice that I the execution creditor claim the sum of £                      from you      30 & 31 Vict.  
the high bailiff of this court, for damages arising out of a certain execution in      c. 142, s. 31.  
this cause, and that the grounds of my claim are as follows: [*here state the*  
*grounds of the claim, e. g.,* for that you, having seized certain goods and  
chattels of and belonging to the execution debtor, under process issued from  
this court at my instance, wrongfully, and without lawful excuse, withdrew from  
the possession of the said goods and chattels, whereby I was deprived of the  
fruits of the said execution].

Dated this              day of              18      .

To the high bailiff  
of this court.

Execution creditor.

121.

*Order on an Interpleader Summons by Execution Creditor against a High Bailiff where the Claim to Damages is established.*

No. of plaint.

In the county court of              holden at              .

(Seal.)

Between A. B.              .              .              .              .              Plaintiff,

and

C. D.              .              .              .              .              Defendant,

And between the execution creditor.              Claimant,

and

The high bailiff of this court              .              Respondent.

It is this day adjudged touching the claim of              the execution creditor  
in this cause, against the high bailiff of this court, for damages arising out of  
an execution in this cause in which process issued from this court at the  
instance of the said              the execution creditor, directing the high bailiff to  
levy the sum of £              of and from the goods and chattels of              [*the*  
*execution debtor*], that the said              the execution creditor, is entitled to  
recover from the high bailiff of this court the sum of £              for damages  
arising out of the said execution.

And it is ordered that the high bailiff of this court do, on or before the  
day of              18              , pay to the registrar of this court the said sum of  
£              and also the further sum of £              for costs for the use of the  
said              , the execution creditor.

To the high bailiff  
of this court.

122.

*Order on an Interpleader Summons by an Execution Creditor against a High Bailiff where the Claim to Damages is not established.*

[Same heading as No. 121.]

It is this day adjudged, touching the claim of              the execution creditor in  
this cause, against the high bailiff of this court, for damages arising out of an  
execution in this cause in which process issued from this court at the instance  
of the said              the execution creditor, directing the said high bailiff of this  
court to levy the sum of £              of and from the goods and chattels of

D.C.C.

P

[*the execution debtor*], that the said                      the execution creditor is not entitled to recover from the said high bailiff of this court any damages in respect of or in any way arising from the said execution. And it is ordered that the said                      the execution creditor do on or before the                      day of                      18                      pay to the registrar of this court the sum of £                      for costs, for the use of the said high bailiff of this court.

To                      the execution creditor.

---

## 123.

*Order on Interpleader Summons where both Goods and Damages are claimed and Money is paid into Court in respect of the latter, and the Claim to the Goods is established and the Money paid into Court is found to be sufficient to satisfy the Damages.*

[*Same heading as No. 121.*]

It is this day adjudged, touching the claim of E. F. to certain goods and chattels [*or monies, &c.*] taken in execution in this action, and for damages arising out of the said execution, and which E. F. claimed against the high bailiff of this court, and in respect of which damages hath paid into court the sum of £                      , that the said goods and chattels [*or monies, &c. or part thereof, specifying them or it*] are the property of E. F., but that the said sum paid into court is sufficient to satisfy all damages arising out of the said execution.

And it is ordered, that the execution creditor do pay to the registrar of this court the sum of £                      for costs for the use of E. F., and that E. F. do pay to the registrar of this court the sum of £                      for costs for the use of the high bailiff, on or before the                      day of                      18                      .

To                      the execution creditor and to E. F.

---

## 124.

*Order on an Interpleader Summons where both Goods and Damages are claimed, and Money is paid into Court in respect of the latter, and the Claim to the Goods is established, and the Money paid into Court is adjudged insufficient.*

[*Same heading as No. 121.*]

It is this day adjudged, touching the claim of E. F. to certain goods and chattels [*or monies, &c.*] taken in execution in this action, and for damages arising out of the said execution, and which E. F. claims against the high bailiff, and in respect of which damages has paid into court the sum of £                      , that the said goods and chattels [*or monies, &c.*] are the property of the said E. F., and that the said sum of £                      paid into court is not sufficient to satisfy the damages arising out of the said execution, and that the said E. F. is entitled to recover the further sum of £                      for damages from the high bailiff.

And it is ordered that the execution creditor do pay to the registrar of this court, on or before the                      day of                      18                      , the sum of £                      for costs for the use of the said E. F., and that the high bailiff do pay to the registrar of this court, on or before the last-mentioned day, the said further sum of £                      for damages, and also the sum of £                      for costs, for the use of the said E. F.

To                      the execution creditor  
and the high bailiff.

---

## 125.

*Order on an Interpleader Summons by an Execution Creditor against a High Bailiff for Damages, and when the High Bailiff pays Money into Court.*

[Same heading as No. 121.]

It is this day adjudged, touching the claim of the execution creditor in this cause against the high bailiff of this court for damages arising out of an execution in this cause, in which process issued from this court at the instance of the said the execution creditor, directing the said high bailiff of this court to levy the sum of of and from the goods and chattels of [the execution debtor], and in respect of which damages the high bailiff hath paid into court the sum of £ , that the sum paid into court is sufficient to satisfy all damages arising out of the said execution [or that the sum paid into court is not sufficient to satisfy the damages arising out of the said execution, and that the said the execution creditor is entitled to recover the further sum of £ for damages from the high bailiff].

And it is ordered that the said , the execution creditor, do pay to the registrar of this court, on or before the day of 18 , the sum of £ for costs for the use of the high bailiff [or that the high bailiff do pay to the registrar of this court, on or before the day of 18 , the said further sum of £ for damages, and also the sum of £ for costs, for the use of the execution creditor.

To the execution creditor.  
[or To the high bailiff of this court.]

## 126.

*Warrant of Execution against the Goods of Claimant.*

Whereas at a court holden at on the day of 18 , the plaintiff, by the judgment of the said court, recovered against the defendant the sum of for debt [or damages] and for costs:

9 & 10 Vict.  
c. 95 s. 118.

And whereas the defendant, by an order of the court, was ordered to pay the same to the registrar of the court:

And whereas default having been made in payment according to the said order, an execution issued against the goods of the defendant, under which certain goods and chattels were seized, in respect of which E. F. of, &c. made claim, and which claim was heard and decided upon at a court held at on the day of 18 , and it was adjudged that the goods so seized under the said execution were the property of the defendant [or that certain rent alleged by the said E. F. of, &c. to be due to him was not so due]:

And it was ordered that the costs of that proceeding, amounting to the sum of £ should be paid by the claimant to the registrar of the said court, on or before the day of 18 :

And whereas default has been made in payment according to the said last-mentioned order:

These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the said claimant wheresoever they may be found within the district of this court (excepting the wearing apparel and bedding of the said claimant or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount due to the plaintiff under the said order, including the costs of this execution, and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties,

or securities for money of the claimant which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the registrar of the court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the court this                      day of                      18 ..

By the court,

Registrar of the court.

To the high bailiff of the said court, and  
others the bailiffs thereof.

Costs adjudged .. .. .

Poundage for issuing this warrant .. .. .

Total amount to be levied .. .. .

£.	s.	d.

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the said claimant.

19 & 20 Vict.  
c. 108, s. 46.

Application was made to the registrar for this warrant at                      minutes  
past the hour of                      in the                      noon of the                      day of                      18 ..

## 127.

### *Bond where a Plaintiff is Appellant.*

A sum sufficient to cover the costs of appeal, say 20l., being double the estimated amount.

For notice of sureties and affidavit of justification, see forms and ..

Know all men by these presents that we, A. B. of, &c., and C. D. of, &c., and E. F. of, &c., are jointly and severally held and firmly bound to G. H. of &c., in £                      , to be paid to the said G. H., or his certain attorney, executors, administrators or assigns. For which payment to be made we bind ourselves, and each and every of us, in the whole, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this                      day of                      one thousand eight hundred and                      ..

Whereas an action                      is now depending in the county court of                      holden at                      wherein the above-bounden A. B. is plaintiff and the above-named G. H. is defendant:

And whereas the said action came on to be tried in the said court on the                      day of                      when a judgment was given for the said G. H.:

And whereas the said A. B., being dissatisfied with such judgment, gave due notice to the said G. H. of his the said A. B.'s intention to appeal from the same to her Majesty's High Court of Justice, according to the statute in such case made and provided:

And whereas it is thereby provided that the party who shall appeal as aforesaid shall give security, to be approved by the registrar of the court aforesaid, for the costs of the appeal, whatever be the event thereof:

And whereas the above-named C. D. and E. F., at the request of the said A. B., have agreed to enter into the above-written obligation for the purposes aforesaid, and the security intended to be hereby given has been approved of by                      the registrar of the said county court, as appears by his allowance in the margin hereof: Now the condition of this obligation is such, that if the above-bounden A. B., C. D., and E. F., any or either of them, shall pay unto the said G. H., his executors, administrators or assigns, the costs of the said

I approve of  
this bond.

I. K.,  
Registrar.

(L.S.)  
This bond requires a  
stamp.

appeal, as the said High Court shall order, then this obligation shall be void, otherwise shall remain in full force.

A. B. (L.S.)  
C. D. (L.S.)  
E. F. (L.S.)  
in the presence

Signed, sealed and delivered by the above-bounden  
of .

NOTE.—If a deposit of money be made, the memorandum thereof should follow the terms of the condition of the bond, and will not require a stamp. 19 & 20 Vict. c. 108, s. 71.

## 128.

*Bond where Defendant is Appellant.*

Know all men by these presents that we, A. B. of, &c., and C. D. of, &c., and E. F. of, &c., are jointly and severally held and firmly bound to G. H. of, &c. in £ to be paid to the said G. H., or his certain solicitor, executors, administrators, or assigns. For which payment to be made we bind ourselves, and each and every of us, in the whole, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

A sum sufficient to cover the costs of appeal, say 20*l.*, being double the estimated amount, and also double the amount of judgment.

Sealed with our seals, and dated this day of one thousand eight hundred and

Whereas an action is now depending in the county court of holden at wherein the above-named G. H. is plaintiff, and the above-bounden A. B. is defendant :

And whereas the said action came on to be tried in the said court on the day of last, when a judgment was given for the said G. H. in the sum of £ :

And whereas the said A. B., being dissatisfied with such judgment, gave due notice to the said G. H. of his the said A. B.'s intention to appeal from the same to her Majesty's High Court of Justice, according to the statute in such case made and provided :

And whereas it is thereby provided that the party who shall appeal as aforesaid shall give security, to be approved by the registrar of the court aforesaid, for the costs of the appeal, whatever be the event thereof, and also for the amount of the judgment if such party be the defendant, and the appeal be dismissed ;

This bond requires a stamp.

And whereas the above-named C. D. and E. F., at the request of the said A. B., have agreed to enter into the above-written obligation, for the purposes aforesaid, and the security intended to be hereby given has been approved of by the registrar of the said county court, as appears by his allowance in the margin hereof : Now the condition of this obligation is such, that if the above-bounden A. B., C. D., and E. F., any or either of them, shall pay unto the said G. H., his executors, administrators, or assigns, the costs of the said appeal, as the said High Court shall order (and shall also in case the said appeal shall be dismissed, pay to the said G. H., his executors, administrators, or assigns, the said sum of [amount of the judgment (a)]), then this obligation shall be void, otherwise shall remain in full force.

I approve of this bond.  
I. K.,  
Registrar  
(L.S.)

A. B. (L.S.)  
C. D. (L.S.)  
E. F. (L.S.)

(a) To be omitted, if amount previously paid into court.

Signed, sealed and delivered by the above-bounden  
of . in the presence

NOTE.—If a deposit of money be made, the memorandum thereof should follow the terms of the condition of the bond, and will not require a stamp. 19 & 20 Vict. c. 108, s. 71.



129.

*Case on Appeal.*13 & 14 Vict.  
c. 61, s. 8.

In the county court of \_\_\_\_\_, holden at \_\_\_\_\_.  
On appeal to the court of \_\_\_\_\_

Between A. B., plaintiff,  
and

C. D., defendant.

This is an action [*here state the cause of action and the facts*].

The question for the opinion of the court of \_\_\_\_\_ is :—

*First.* [*Here state the question for the opinion of the court.*]

[Signature of judge.]

130.

*Admission of Claim or part of Claim under Sect. 8 of  
"The County Courts Act, 1850."*

13 & 14 Vict.  
c. 61, s. 8.

I, the defendant, do hereby confess and admit that the sum of £ \_\_\_\_\_ the amount claimed [or the sum of £ \_\_\_\_\_, being part of the amount claimed by the plaintiff in this action] is due to him from me [and that I will pay the same by instalments of \_\_\_\_\_].

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 187 \_\_\_\_\_.

Signed in the presence of \_\_\_\_\_.

*This paper marked A. is the statement referred to in the annexed affidavit.*

131.

*Affidavit of Signature to Admission, Sect. 8 of "The County Courts Act, 1850."*

13 & 14 Vict.  
c. 61, s. 8.

I, \_\_\_\_\_ of \_\_\_\_\_ gentleman, solicitor of her Majesty's Supreme Court of Judicature, make oath and say, that I was present on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and seventy \_\_\_\_\_, and did see the above-named defendant sign the statement hereunto annexed, marked with the letter A., and that the name set to the said statement is in the handwriting of the defendant, and that the name set to the said statement as the witness attesting the same is in my handwriting.

132.

*Notice to Plaintiff of Admission of Claim under Sect. 8 of  
13 & 14 Vict. c. 61.*

13 & 14 Vict.  
c. 61, s. 8.

I do hereby give you notice, that the defendant has filed a statement confessing and admitting the amount claimed by you [and proposing to pay the same by instalments of \_\_\_\_\_], and that it will not be necessary for you to attend on the day of hearing [unless you object to receive the same by instalments as proposed,] but judgment will not be entered unless you shall pay to the registrar on or before such day the sum of \_\_\_\_\_ being the fee for the judgment, or shall remit the said sum to the registrar by post office order or otherwise.

19 & 20 Vict.  
c. 108, s. 78.

133.

*Notice to Plaintiff of Admission of Part of Claim under  
Sect. 8 of the 13 & 14 Vict. c. 61.*

I do hereby give you notice, that the defendant has filed a statement confessing and admitting £ , part of the amount claimed by you [and proposing to pay the same by instalments of ].

13 & 14 Vict.  
c. 61, s. 8.

If you consent to accept the amount so admitted [and to the mode of payment by instalments as proposed], it will not be necessary for you to attend on the day of hearing; but judgment will not be entered unless you shall pay to the registrar on or before such day the sum of being the fee for the judgment, or shall remit the said sum to the registrar by post office order, or otherwise.

19 & 20 Vict.  
c. 108, s. 78.

If, however, you do not consent to accept the sum so admitted, in satisfaction of your claim, you must be prepared to prove the same.

134.

*Admission under Sect. 9 of 13 & 14 Vict. c. 61.*

We, the plaintiff and defendant, do hereby agree that the amount of the debt or demand due from the defendant to the plaintiff is £ and that the same, with £ for the plaintiff's costs, and £ the court fees, shall be paid to the registrar of the court at his office, in manner following, viz.—

13 & 14 Vict.  
c. 61, s. 9.

Dated this       day of       187 .

\_\_\_\_\_ } Signatures of plaintiff  
\_\_\_\_\_ } and defendant.

Signed in the presence of .

*This paper marked A. is the statement referred to in the annexed affidavit.*

135.

*Affidavit of Signature under Sect. 9 of 13 & 14 Vict. c. 61.*

I,       of       gentleman, solicitor of her Majesty's Supreme Court of Judicature, make oath and say, that I was present on the       day of       one thousand eight hundred and seventy       , and did see the plaintiff and defendant respectively sign the statement hereunto annexed, marked with the letter A., and that the name       set to the said statement is in the handwriting of the plaintiff, and that the name       set to the said statement is in the handwriting of the defendant, and that the name       set to the said statement as the witness attesting the same is in my handwriting.

13 & 14 Vict.  
c. 61, s. 9.

136.

*Notice to Defendant where any Change of Plaintiff.*

Whereas A. B., at a court holden at       on the       day of       18       , Order XV., obtained a judgment against you for the sum of £       for       and costs, r. 6. which judgment now remains unsatisfied: And whereas the said A. B. has

since died [or, as the case may be], and E. F. of [address and description] is his executor [or state other representative character], this is to give you notice that the name of the said E. F. has been substituted as plaintiff for that of the original plaintiff, and that he is at liberty therefore to take the same proceedings on the judgment that the original plaintiff was entitled to take.

Due on judgment      £      s.      d.  
 ..      :      :

To the defendant.

[N.B.—Where the judgment in the original cause was for the defendant, and he has died, or as the case may be, the above form must be altered accordingly.]

## 137.

*Summons in Nature of Scire Facias where any change of Defendant.*

Order XV.,  
 r. 7.

Whereas the plaintiff, at a court holden at      on the      day of 18      , obtained a judgment against C. D. of [name, address, and description of C. D.], for the sum of £      for      and costs, which judgment now remains unsatisfied: And whereas the said C. D. has since died [or state cause of revival being necessary] and you are his executor [or state other representative character] you are hereby summoned to appear at a court to be holden at      on the      day of 18      , at the hour of      in the      noon, to show cause why judgment should not be entered up against you, at the suit of the plaintiff, on the judgment so obtained, and why execution should not issue thereon.

Due on judgment      £      s.      d.  
 ..      :      :

To the defendant.

[N.B.—Where the judgment in the original cause was for the defendant, the above form must be altered accordingly.]

## 138.

*Judgment on Scire Facias on Change of Defendant.*

Whereas the plaintiff, at a court holden at      on the      day of 18      , obtained a judgment against C. D. for the sum of £      for      and costs, and which judgment now remains unsatisfied: And whereas the said C. D. has since died [or state other circumstances requiring revival of judgment], and the defendant is his executor [or state other representative character].

[Conclude according to the rules and forms as to executors and the defence made.]

Due on judgment      £      s.      d.  
 ..      :      :

[N.B.—Where the judgment in the original cause was for the defendant the above form must be altered accordingly.]

*Judgment against an Executor who has wasted Assets.*

Upon hearing this cause at a court this day holden, it is adjudged that the plaintiff do recover against the defendant the sum of £                      for                      Order XXV.  
and £                      for costs:                      r. 4.

It is also adjudged that the defendant, being the executor [or administrator] of the said deceased, has made away with, wasted, and put to his own use divers goods and chattels [or moneys, as the case may be], to the amount of the said sum, which were the property of the said deceased, and which came to the hands of the defendant as executor [or administrator] as aforesaid, to be administered:

Wherefore, it is ordered, that if the defendant shall make default in the payment of the said sum, the same shall be levied by distress and sale of the goods and chattels which were of the said deceased, and which came to the hands of the defendant as executor [or administrator] if the defendant has so much thereof in his hands to be administered, and if he has not, then that the said sums shall be levied of the proper goods and chattels of the defendant.

*Judgment against Executor or Administrator who admits his Representative Character and denies the Demand.*

Upon hearing this cause at a court this day holden, it is adjudged that the plaintiff do recover against the defendant the sum of £                      for                      r. 5.  
and £                      for costs:

And the defendant having admitted his representative character, but denied the plaintiff's demand, and the plaintiff having proved the same, it is further ordered, that if the defendant shall make default in payment of the said sums, the same shall be levied as follows: The sum of £ [the debt or damage]

and costs] of the goods and chattels which were of the said deceased, and which came to the hands of the defendant as executor [or administrator], if the defendant has so much thereof in his hands to be administered; and if he has not, then that the sum of £ [the costs] be levied upon the proper goods of the defendant.

*Judgment against Executor or Administrator where he admits his Representative Character, but denies the Demand, and alleges total or partial Administration of Assets, and the Plaintiff proves his Demand, and the Defendant proves Administration.*

Upon hearing this cause at a court this day holden, it is adjudged that the plaintiff do recover against the defendant the sum of £                      for                      and £                      for costs:                      Order XXV., r. 6.

And it is ordered that the defendant do pay the same to the registrar of this court, on or before the       day of       18 .

And the defendant having admitted his representative character, but denied the plaintiff's demand, and having also alleged a total [or partial] administration of the goods of the said deceased, which came to the hands of the defendant as executor [or administrator] to be administered, it appears to the court that the plaintiff has proved to the court his demand, and also that the defendant has proved the administration alleged:

Wherefore it is ordered that in default of such payment the sum of £ being the costs incurred by the plaintiff in proving his demand, shall be levied on the goods and chattels which were of the said deceased, and which came to the hands of the defendant as executor [or administrator], if the defendant has so much thereof in his hands, and if he has not then that it shall be levied of the proper goods and chattels of the defendant, and as to the sum of £ the plaintiff's demand, that it be levied of the goods and chattels of the said deceased which hereafter shall come to the hands of the defendant as executor [or administrator] as aforesaid to be administered.

And it is further ordered, that the plaintiff do pay to the registrar of the court, on or before the       day of       18 , the sum of £ being the costs incurred by the defendant in proving the administration alleged.

[N.B.—If the defendant is shown to have some assets, the judgment must be for that amount *de bonis testatoris*, and for the residue *quando acciderint*.]

#### 142.

*Judgment against Executor or Administrator where the Defendant admits his Representative Character, but denies the Demand, and alleges total or partial Administration of Assets, and the Plaintiff proves his Demand, and the Defendant does not prove the Administration.*

Order XXV.,  
r. 7.

Upon hearing this cause at a court this day holden, it is adjudged that the plaintiff do recover against the defendant the sum of £       for and £       for costs:

And it is ordered, that the defendant do pay the same to the registrar of this court on or before the       day of       18 .

And the defendant having admitted his representative character, but denied the plaintiff's demand, and having also alleged a total [or partial] administration of the goods of the said deceased, which came to the hands of the defendant as executor [or administrator] to be administered, it appears to the court that the plaintiff has proved to the court his demand and also that the defendant has not proved the administration alleged.

And it is further ordered, that if the defendant shall make default in payment of the said sum, the same shall be levied as follows: The sum of £ [debt and costs] of the goods and chattels which were of the said deceased, and which came to the defendant as aforesaid, if the defendant has so much thereof in his hands to be administered; and if he has not, then that the residue of the sum of £ [debt] be levied of the goods and chattels of the said deceased which hereafter shall come to the hands of the defendant as executor [or administrator] as aforesaid to be administered; and that the sum of £ [the costs] be levied upon the proper goods of the defendant.

## 143.

*Judgment against an Executor or Administrator who admits his Representative Character and the Plaintiff's Demand, but alleges a total or partial Administration of Assets, and proves the Administration.*

Upon hearing this cause at a court this day holden, it is adjudged that the plaintiff do recover against the defendant the sum of £        for        , and it is ordered, that the defendant do pay the same to the registrar of this court on or before the        day of        18        . Order XXV.,  
r. 8.

And the defendant having admitted his representative character and also the plaintiff's demand, and having alleged a total [or partial] administration of the goods of the said deceased, which came to the hands of the defendant as executor [or administrator] to be administered, it appears to the court that the defendant has proved to the court the administration alleged.

Wherefore it is ordered, that in default of such payment the said sum of £        shall be levied of the goods and chattels of the said deceased which hereafter shall come to the hands of the defendant as executor [or administrator] as aforesaid to be administered.

And it is further ordered, that the plaintiff do pay to the registrar of this court, on or before the        day of        18        , the sum of £        being the cost incurred by the defendant in proving the administration alleged.

## 144.

*Judgment against an Executor or Administrator who admits his Representative Character and the Plaintiff's Demand, but alleges a total or partial Administration of Assets, and does not prove the Administration.*

Upon hearing this cause at a court this day holden, it is adjudged that the plaintiff do recover against the defendant the sum of £        for        . Order XXV.,  
r. 9.

And it is ordered, that the defendant do pay the same to the registrar of this court at        on or before the        day of        18        .

And the defendant having admitted his representative character, and also the plaintiff's demand, and having alleged a total [or partial] administration of the goods of the said deceased which came to the hands of the defendant as executor [or administrator] to be administered, it appears to the court that the defendant has not proved to the court the administration alleged.

And it is further ordered, that if the defendant shall make default in payment of the said sum, the same shall be levied as follows: The sum of £        [debt and costs] of the goods and chattels which were of the said deceased, and which came to the defendant as aforesaid, if the defendant has so much thereof in his hands to be administered; and if he has not, then that the residue of the sum of £        [debt] be levied of the goods and chattels of the said deceased, which hereafter shall come to the hands of the defendant as executor [or administrator] as aforesaid to be administered; and that the sum of £        [the costs] be levied upon the proper goods of the defendant.

145.

*Summons to an Executor of Plaintiff's Intention to apply to the Court where Assets have come to Defendant's Hands since Judgment.*

In the county court of                      holden at                      .  
(Seal.)

No. of plaint.

Between A. B., plaintiff.

(Address.)

(Description.)

and

C. D., executor [or administrator] of  
deceased, defendant.

(Address.)

(Description.)

Order XXV.,  
r. 10.

The plaintiff having learnt that property of the deceased has come to your (the defendant's) hands as executor [or administrator] since the judgment herein to be administered [and that you have withholden and wasted the same], intends to apply to the court to be holden on the                      day of 187                      , at the hour of                      in the                      noon, for an order that the debt [or damages] and costs shall be levied of the goods and chattels of the said deceased, if you have so much thereof to be administered [and that if you have not, then that it shall levied of your proper goods and chattels], and that the costs be levied of your proper goods and chattels.

You are therefore hereby summoned to appear at the said court at the time and place aforesaid, to answer touching the matters aforesaid.

To the executor or administrator  
of the deceased.

146.

*Warrant of Execution against the Goods of a Testator.*

Whereas at a court holden at                      on the                      day of 187                      , the plaintiff obtained a judgment against the defendant, as executor [or administrator] of the said deceased, for                      the sum of                      for                      due and owing to the plaintiff by the said deceased in his lifetime, and the sum of                      for costs of suit:

And thereupon it was ordered by the court, that the defendant should pay the same to the registrar of the court, on or before the                      day of                      18                      [or by instalments of                      for every                      days]:

And whereas default has been made in payment according to the said order: These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels which were the property of the said deceased in his lifetime, in the hands of the defendant to be administered wheresoever they may be found within the district of this court (excepting the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount due to the plaintiff under the said order, including the costs of this execution, and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money, which were the property of the said deceased in his lifetime, which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, if the defendant hath so much thereof in his hands to be administered; and if he hath not so much thereof in his hands to be administered, then that you make and

levy of the proper goods and chattels, money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the defendant, the sum of                      for the costs and charges first above mentioned, and the costs of this execution and of levying the same, and to pay what you shall have so levied to the registrar of this court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the court this                      day of                      18                      .

By the court,

Registrar of the court.

To the high bailiff of the said court,  
and others the bailiffs thereof.

								£	s.	d.
Debt or damages adjudged	..	..	..	..	..	..	..			
Costs .. .. .	..	..	..	..	..	..	..			
Paid into court	..	..	..	..	..	..	..			
Remaining due	..	..	..	..	..	..	..			
Poundage for issuing this warrant	..	..	..	..	..	..	..			
Total amount to be levied	..	..	..	..	..	..	..			

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the defendant.

Application was made to the registrar for this warrant at                      minutes past                      19 & 20 Vict.  
the hour of                      in the noon of the                      day of                      187                      . c. 108, s. 46.

(Warrants of execution upon the judgments given in pages 211 to 213 may be drawn from this form, altered accordingly from those forms.)

147.

### *Judgment against an Executor on a Devastavit since Judgment.*

Upon hearing the plaintiff's application in this cause at a court this day holden, it is adjudged that property of                      deceased has come to the hands of the defendant, as his executor [or administrator] since the judgment recovered herein, to be administered, and that the defendant has wasted the same property, whereby the judgment recovered herein remains unsatisfied. It is therefore ordered, that the defendant do pay the sum of £                      recovered by [or remaining due upon] the judgment, together with the sum of £                      the costs of this order, to the registrar of this court on or before [as the case may be].

And it is further adjudged, that if the defendant make default in payment thereof an execution shall issue to make and levy the above-mentioned sums of the goods and chattels of the said deceased, if the defendant has so much thereof in his hands to be administered, and if he has not, then to be made and levied of the proper goods and chattels of the defendant.

148.

### *Order of Reference.*

By the consent of the plaintiff and defendant, it is ordered that all matters                      9 & 10 Vict.  
in difference in this cause [and all other matters within the jurisdiction of                      c. 95, s. 77.



*this court, in difference between the said parties]* be referred to of whose award, to be made or given on or before the day of 18 shall be entered as the judgment in this cause; and it is further ordered, that the time for making or giving such award may be from time to time enlarged by the judge of the court, in his discretion, for such time as he shall, by indorsement to be by him made on this order, direct; and that the said award, when made or given, may be referred back again to the said arbitrator at the like discretion of the said judge without the further consent of the said parties, and in case either of the said parties shall neglect or refuse to attend any appointment to be made by the said arbitrator for proceeding under this order, after two days' notice thereof in writing shall have been given to him by serving the same personally or by leaving it at his last or usual place of abode, the said arbitrator shall be at liberty to proceed *ex parte* on the matters of the said reference, and his certificate shall be as valid as if both the said parties had duly attended before him. And it is further ordered, that the costs of the said reference shall be in the discretion of the arbitrator, and that the costs of the action shall abide the event; and it is lastly ordered, that the submission to arbitration shall not be revocable by either party.

## 149.

*Summons to a Tenant or other Person holding over.*

[Same heading as to an ordinary summons.]

19 & 20 Vict.  
c. 106, ss.  
50, 51.

(a) [Issued "by leave of the court," or "by leave of the registrar."]

You are hereby summoned to appear at a county court to be holden at on the day of 18, at the hour of in the noon, to answer the plaintiff, wherefore you neglect or refuse to deliver up to him possession of a certain [messuage, with appurtenances, or part of a house, &c., or, as the case may be,] situate at

(a) Insert this  
when neces-  
sary.

And take notice, that the plaintiff claims of you for rent [or mesne profits] [or for rent and mesne profits] the sum of for a period from the day of 18, to the day of 18.

And further take notice, if you do not appear at the said court, and show cause why you do not deliver up possession as aforesaid, the judge of the said court may order that possession of the said premises be given by you to the plaintiff forthwith, or on or before such day as the judge shall name, and that if such order be made and be not obeyed, a warrant may issue to give possession to the plaintiff.

Dated the day of 18.

Registrar of the court.

To the defendant.

						£	s.	d.
Costs of this summons ..	..	..	..	..	..	:	:	
Claim for..	..	..	..	..	..	:	:	

*At bottom of summons.*

TAKE NOTICE.—If the plaintiff in this action be not your immediate landlord, YOU MUST, upon your being served with this summons, or if this summons shall come to your KNOWLEDGE, forthwith GIVE NOTICE thereof to your IMMEDIATE LANDLORD, and if you do NOT give such notice you will be liable, under sect. 53 of "The County Courts Act, 1856," 19 & 20 Vict. c. 108, to forfeit to your immediate landlord THREE YEARS' RACKRENT of the premises held by you of him, in respect of which the summons shall have issued.

## 150.

*Summons for Recovery of a Tenement.*

You are hereby summoned to appear at a court to be holden at                      on 19 & 20 Vict.  
the       day of       18       , at the hour of       in the       noon, to answer c. 108, s. 52.  
the plaintiff why possession of a certain       situate at       should not be  
given up to the plaintiff, by reason of the rent payable in respect thereof by  
you being half a year in arrear, and the plaintiff having right by law to re-enter  
for the nonpayment thereof.

If you shall pay to the registrar the rent in arrear, and the costs of this  
action, as stated at the foot of the summons, five clear days before the day you  
are required to appear to this summons, this action will cease.

And take notice, that if you do not pay such rent in arrear and costs, or  
appear at the said court, and show cause why possession of the said  
should not be recovered against you, you may be ordered by the court to give  
possession of such premises to the plaintiff, and that if such order be not  
obeyed a warrant may issue to give possession to the plaintiff.

Dated this       day of       18       .

Registrar of this court.

£       s.       d.

Costs of this summons .. .. . : :

*At bottom of summons.*

TAKE NOTICE.—If the plaintiff in this action be not your immediate land-  
lord, YOU MUST, upon being served with this summons, or if this summons  
shall come to your KNOWLEDGE, forthwith GIVE NOTICE thereof to your  
IMMEDIATE LANDLORD, and if you do NOT give such NOTICE you will be  
liable, under sect. 58 of "The County Courts Act, 1856," 19 & 20 Vict. c. 108, to  
forfeit to your immediate landlord THREE YEARS' RACKRENT of the premises  
held by you of him, in respect of which the summons shall have issued.

## 151.

*Order for Recovery of Tenement.*

Upon the hearing of this cause, at a court holden this day, it is ordered, 19 & 20 Vict.  
that the defendant to give to the plaintiff possession of a certain house [or c. 108, ss.  
*messuage with appurtenances, or part of certain house, or as the case may 50—52.*  
be], situate at       forthwith [or on the       day of       ], and it is  
adjudged that the plaintiff do recover against the defendant the sum of  
£       for rent [or mesne profits] [or for rent and mesne profits] and £  
costs.

And it is ordered, that the defendant do pay to the registrar of the court  
the sum [or sums] above mentioned on or before the       day of       18       .  
To the defendant.

TAKE NOTICE.—That if you do not give such possession, a warrant may  
issue requiring the bailiff of the court to give possession of the said  
to the plaintiff, and to levy the sum above mentioned, together with further  
costs.

## 152.

*Warrant for giving Possession of Tenement.*

Whereas at a court holden at       on the       day of       18       it was 19 & 20 Vict.  
ordered by the court, that the defendant should give the plaintiff possession of c. 108, ss.  
a certain [as in summons] situate at       [and that the plaintiff should 50—52.  
recover against the defendant] the sum of £       for rent [or mesne profits]  
[or rent and mesne profits] and costs:

And whereas the defendant has not obeyed the said order:

These are therefore to authorize and require you to forthwith give possession of the said hereinbefore-mentioned premises to the plaintiff:

And these are therefore further to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the defendant, where-soever they may be found within the district of this court (excepting the wearing apparel and bedding of the defendant or his family, and the tools and implements of his trade, if any, to the value of five pounds), the said sum, and the costs of this warrant and execution; and also to seize and take any money or bank-notes (whether of the Bank of England or any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money, of the defendant, which may be there found, or such part or so much thereof as may be sufficient to satisfy this execution and the costs of making and executing the same, and to pay the amount so levied to the registrar of this court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the court, this       day of       18 .

By the court,

Registrar of the court.

To the high bailiff of the said court.

	£	s.	d.
Rent [or mesne profits] [or rent and mesne profits] ..			
Costs .. .. .			
Poundage for issuing this warrant .. .. .			
Total amount to be levied .. .. .			

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the defendant.

Application was made to the registrar for this warrant at       minutes past  
the hour of       in the       noon of the       day of       18 .

153.

### *Summons in Action of Ejectment.*

In the county court of       holden at       .

No. of plaint.

(Seal.)

Between A. B., C. D., and E. F., plaintiffs,  
[*Addresses, Descriptions.*]

and

G. H., I. J., and K. L., defendants,  
[*Addresses, Descriptions.*]

You the above-named defendants, and all persons entitled to defend the possession of the property described in the statement hereunto annexed, situated in the parish within the district of this court, to the possession whereof the above-named plaintiffs, some or one of them, claim to be [or to have been on and since the       day of       18 ] entitled, and to eject all other persons therefrom, are hereby summoned to appear at a county court to be holden at       on the       day of       18 at the hour of       in the forenoon, to defend the said property, or such part thereof as you may be advised.

And take notice that unless you appear judgment may be given, and you turned out of possession.

. Dated the       day of       18 .

Registrar of the court.

To the defendants.

	£	s.	d.
Cost of this summons .. .. .			

*At bottom of Summons.*

TAKE NOTICE.—If you the defendants, or any of you, be only tenants of the property or some part thereof, YOU MUST, upon being served with this summons, or if this summons shall come to your KNOWLEDGE, forthwith GIVE NOTICE thereof to your IMMEDIATE landlord or his bailiff or receiver, and if you do not give such notice you will be liable, under section 209 of 15 & 16 Vict. c. 76, to FORFEIT to your landlord THREE YEARS' RACKRENT of the premises demised to you or holden in your possession of him, in respect of which this summons has issued.

## 154.

*Notice of Withdrawal of Action as to the Whole or Part of Property.*

Take notice that I the above-named plaintiff will not proceed in this action [*or in respect of that portion of the property herein-after described, that is to say, here describe the said portion of property.*]

Plaintiff.

## 155.

*Notice in Ejectment that a person not originally made a Defendant will appear and defend.*

Take notice that M. N. has filed the affidavit, a copy of which is hereunto annexed, and that by leave of the registrar he will appear at the trial as a defendant.

To the plaintiffs.

## 156.

*Notice in Ejectment that a Defendant will limit his Defence to Part of the Property.*

Take notice that the above-named defendant K. L. will at the trial of this action limit his defence to a part only of the property mentioned in the statement annexed to the summons; that is to say [*here describe the part to which the defence is limited with reasonable certainty.*]

To the registrar of the court  
and to the plaintiffs.

## 157.

*Judgment in Ejectment for all the Plaintiffs for the Whole Property.*

Upon the hearing of this cause at a court holden this day it is adjudged that the plaintiffs were on the\* day of 18 and still are entitled to the possession of the property mentioned in the statement annexed to the summons in this action; that is to say [*describe the property as set out in the statement*]; and it is ordered that the defendants do give the plaintiffs possession of the said above-mentioned property forthwith [*or on the day of* ]; and it is adjudged that the plaintiffs do recover against the defendants the sum of £ for costs.

D.C.C.

Q

\* The day on which the summons issued, or the day stated in the summons on which the title of plaintiffs accrued.

And it is ordered that the defendants do pay to the registrar of this court the sum above mentioned on or before the       day of       18 .

To the defendants.

Take notice that if possession be not given and payment made as above ordered, a warrant may issue requiring the bailiff of the court to give possession of the said property to the plaintiffs, and to levy the sum above mentioned, together with further costs.

---

158.

*Judgment in Ejectment for all the Plaintiffs for Part of the Property against one of the Defendants, and for the other Defendants as to the Residue of the Property.*

Upon the hearing of this cause, at a court holden this day, it is adjudged that the plaintiffs were, on the       day of       18 , and still are entitled to the possession of part of the property mentioned in the statement annexed to the summons in this action; that is to say, [*describe the part the plaintiffs are adjudged entitled to,*] and for which part the defendant G. H. defended separately; but that the plaintiffs were not nor are entitled to the possession of the residue of the property described in the statement annexed to the summons for which the defendants I. J. and K. L. defended; and it is ordered that the defendant G. H. do give the plaintiffs possession of the said part of the said property, for which the said G. H. defended separately forthwith [*or on the       day of       18*]; and it is adjudged that the plaintiffs do recover against the defendant G. H. the sum of £       for costs, and that the defendants I. J. and K. L. do recover against the plaintiffs the sum of £       for costs.

And it is ordered that the defendant G. H. do pay the said sum of £       , and the plaintiffs the said sum of       to the registrar of this court, on or before the       day of       18 .

To the defendant G. H. and to the plaintiffs.

Take notice that unless possession be given and payment made as above ordered a warrant or warrants may issue, requiring the bailiff of the court to give possession of the said property to the plaintiffs, and to levy the sums above mentioned from the parties ordered to pay the same respectively, together with further costs.

---

159.

*Judgment in Ejectment for One of the Plaintiffs for all the Property against all the Defendants.*

Upon the hearing of this cause at a court holden this day, it is adjudged that the plaintiff A. B. was on the       day of       18 , and still is, entitled to the possession of the property mentioned in the statement annexed to the summons in this action; that is to say [*describe the property as set out in the statement annexed to the summons*]; and it is ordered that the defendants do give the said plaintiff A. B. possession of the said above-mentioned property forthwith [*or on the       day of*], and it is adjudged that the said plaintiff A. B. do recover against the defendants the sum of £       for costs.

And it is ordered that the defendants do pay to the registrar of this court the sum above mentioned on or before the       day of       18 .

To the defendants.

Take notice that unless possession be given and payment made as above ordered a warrant may issue, requiring the bailiff of the court to give possession of the said property to the plaintiff A. B., and to levy the sum above mentioned, together with further costs.

---

160.

*Judgment in Ejectment for Plaintiff whose Title has expired before Trial.*

Upon the hearing of this cause at a court holden this day, it is adjudged that the plaintiff was on the       day of       18       , and thence until and at the time of the entry of the plaint and of the service of the summons in this action, entitled to the possession of the property mentioned in the statement annexed to the summons in this action; that is to say [*here describe the property as set out in the statement*], but his title to the same has since that time and before this day expired; and it is further adjudged that the plaintiff do recover against the defendant the sum of £       for costs.

And it is ordered that the defendant do pay to the registrar of this court the sum above mentioned on or before the       day of       18       .

---

161.

*Judgment in Ejectment for Defendant.*

Upon the hearing of this cause at a court holden this day, it is adjudged that the plaintiff was not on the       day of       18       nor thence hitherto hath been nor is he now entitled to the possession of the property, or of any part of the property mentioned in the statement annexed to the summons in this action; that is to say [*here describe the property as set out in the statement*]; and it is further adjudged that judgment be entered for the defendant [*or that judgment of nonsuit be entered*], and that the defendant do recover against the plaintiff the sum of £       for costs.

And it is ordered that the plaintiff do pay the same to the registrar of this court on or before the       day of       18       .  
To the plaintiff.

---

162.

*Judgment in Ejectment for Defendant's Costs where Plaintiff does not appear.*

Whereas the plaintiff has not appeared, either by himself, his solicitor or agent, at the court holden this day, being the day appointed for the trial of this cause, and the defendant has appeared in person [*or by his solicitor or agent*], it is therefore adjudged that the cause be struck out, and that the defendant do recover from the plaintiff the sum of £       for costs.

And it is ordered that the plaintiff do pay the same to the registrar of this court on or before the       day of       18       .  
To the plaintiff.

163.

*Heading and Conclusion for Special Case in Ejectment.*

No. of plaintiff.

In the county court of                      holden at                      .  
*(Scal.)*

Between A. B., plaintiff,  
 and  
 C. D., defendant.

Whereas an action of ejectment was commenced by the plaintiff against the defendant, and is still pending in this court, for the recovery of [*here describe the property sought to be recovered as set out in the statement annexed to the summons*], and the parties have agreed upon the facts; now, by leave of the registrar, they state for the opinion of the court the following

Case.

[*Here set out the facts, and any deeds or documents, or so much thereof as may be material, numbering each paragraph of the case as in an affidavit, and conclude thus:*]

If the court shall be of opinion that the plaintiff is entitled to recover the whole or part of the property, then judgment shall be given accordingly for the plaintiff, with costs, but if the court shall be of a contrary opinion, then judgment shall be entered for the defendant, or judgment of nonsuit shall be given, with costs, as to the court shall seem fit.

A. B., plaintiff,  
*or*  
 E. F., plaintiff's solicitor.  
 C. D., defendant,  
*or*  
 G. H., defendant's solicitor.

164.

*Warrant of Execution in Ejectment for Possession and Costs.*

Whereas at a court holden at                      on the                      day of                      18                      it was adjudged that the plaintiffs were on the                      day of                      18                      and still are entitled to the possession of the property mentioned in the statement annexed to the summons in this action; that is to say [*describe the property as set out in the statement*]; and it was ordered that the defendants should give the plaintiffs possession of the said above-mentioned property forthwith [*or on the                      day of* ] and it was adjudged that the plaintiffs should recover against the defendants the sum of £                      for costs; and it was ordered that the defendants should pay the said sum to the registrar of this court forthwith [*or on the                      day of* ]:

And whereas the defendants have not obeyed the said order: These are therefore to authorize and require you to forthwith give possession of the said herein-before mentioned property to the plaintiff: And these are therefore further to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the defendant, wheresoever they may be found within the district of this court (excepting the wearing apparel and bedding of the defendant or his family, and the tools and implements of his trade, if any, to the value of five pounds), the said sum and the costs of this warrant and execution: and also to seize and take any money or bank notes (whether of the Bank of England or any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money, of the defendant, which may be there found, or such part or so much thereof as may be sufficient to satisfy this execution and the costs of making and executing

the same, and to pay the amount so levied to the registrar of this court, and make return of what you have done under this warrant immediately upon the execution thereof.

To the high bailiff of  
the said court.

---

165.

*Special Warrant of Execution in Ejectment for Possession and Costs where one of several Plaintiffs has died after Judgment and before Execution executed.*

Whereas at a court holden at            on the            day of            18   , it was adjudged that the plaintiffs were on the            day of            18    and still are entitled to the possession of [*describe the property as in the statement annexed to the summons*], mentioned in the statement annexed to the summons in this action; and it was ordered that the defendants should give the plaintiffs possession of the same forthwith [*or as in the judgment*]; and it was adjudged that the plaintiffs should recover against the defendants the sum of £            for costs; and it was ordered that the defendants should pay the said sum to the registrar of this court forthwith [*or as in the judgment*]:

And whereas the defendants have not obeyed the said order:

And whereas C. D. one of the plaintiffs has died since judgment was given and before execution executed:

These are therefore to authorize and require you to forthwith give possession of the said herein-before mentioned premises to the surviving plaintiffs A. B. and E. F. on behalf of themselves and of the legal representatives of the deceased plaintiff C. D. And these are therefore further, &c. [*conclude as in No.            of the forms in the schedule.*]

---

166.

*Judgment in Ejectment for Plaintiff where Defendant is Joint Tenant, Tenant in Common, or Coparcener with Plaintiff, and an actual Ouster is proved.*

Upon the hearing of this cause at a court holden this day, it is adjudged that the plaintiff and defendant were on the            day of            18    and still are entitled to the joint possession of the property mentioned in the statement annexed to the summons in this action as joint tenants [*or as tenants in common or as coparceners*]; that is to say, [*describe the property as set out in the statement,*] and it having been proved to the satisfaction of the court that the defendant did before the commencement of this action actually oust the plaintiff from the possession of the said property, and thence hitherto hath kept and still keeps the plaintiff ousted therefrom, it is adjudged and ordered that judgment be entered for the plaintiff, and that the defendant do give the plaintiff jointly with him the defendant possession of the said above-mentioned property forthwith [*or on the            day of*], and that the plaintiff do recover against the defendant the sum of £            for costs.

And it is ordered that the defendant do pay to the registrar of this court the sum above mentioned on or before the            day of            18   .

To the defendant.

Take notice that if possession be not given and payment made as above ordered, a warrant may issue requiring the bailiff of the court to give possession of the said property to the plaintiff, and to levy the sum above mentioned, with further costs.



167.

*Judgment in Ejectment for Defendant where Defendant is Joint Tenant, Tenant in Common, or Coparcener with the Plaintiff, and no actual Ouster is proved.*

Upon the hearing of this cause at a court holden this day, it is adjudged that the plaintiff and the defendant were on the       day of       18       and still are entitled as joint tenants [or as tenants in common or as coparceners] to the joint possession of; that is to say [describe the property as set out in the statement], mentioned in the statement annexed to the summons in this action; and it not having been proved to the satisfaction of the court that the defendant has actually ousted the plaintiff from the possession of the said property or of any part thereof, it is adjudged and ordered that judgment be entered for the defendant, and that the defendant do recover against the plaintiff the sum of £       for costs.

And it is ordered that the plaintiff do pay to the registrar of this court the sum above mentioned on or before the       day of       18       .  
To the plaintiff.

168.

*Order in Ejectment for the Substitution of the Heir or other Representative of a sole Plaintiff who dies before the Return Day for such deceased Plaintiff, and for the Continuation of the Action in the name of the Heir or other Representative.*

Upon reading the affidavit of E. F., and upon hearing the attorneys of the said E. F., and of the defendant, and it appearing to the court that the plaintiff A. B. died on the       day of       now last past, and since the commencement of this action, and that the said E. F. is the heir-at-law of the said A. B., and as such heir entitled to whatever estate or interest the said A. B. had in the property sought to be recovered in this action [or that the said E. F. is entitled as devisee under the will of the said A. B. to whatever estate or interest the said A. B. had in the property sought to be recovered in this action, or, as the case may be], it is ordered that the name of the said E. F. as heir-at-law [or as devisee under the will, or as the case may be,] of A. B. deceased be substituted in the proceedings in this action for the name of the said A. B. deceased as plaintiff in this action, and that the said E. F. be at liberty to continue this action in his own name as plaintiff, and to proceed therein as if he had been originally the plaintiff therein, and that the said E. F. do pay to the registrar of this court on or before the       day of       18       , the sum of £       for the costs occasioned to the defendant by this application, and that the trial of this action be forthwith proceeded with [or be adjourned to the       day of       18       .]

To the defendant.

N.B.—In explanation of this form it may be mentioned that after the amendment the title of the cause will stand thus:—

Between E. F. (the heir-at-law of A. B., the  
original plaintiff deceased)       -       -       -       plaintiff.

and  
C. D.       -       -       -       -       defendant.

Or,

Between E. F. (devisee under the will of A. B.,  
the original plaintiff deceased)       -       -       plaintiff.

and  
C. D.       -       -       -       -       defendant.

169.

*Order in Ejectment for the Substitution of the Heir or other Representative of one of several Plaintiffs who dies before the Return Day for such deceased Plaintiff, and for the Continuation of the Action in the names of the surviving Plaintiff, and of the Heir or other Representative of the deceased Plaintiff.*

Upon reading the affidavit of K. L., and upon hearing the attorneys of the said K. L. and of the defendants, and it appearing to the court that the plaintiff C. D. died on the       day of       now last past, and since the commencement of this action, and that the said K. L. is the heir-at-law [or *as the case may be*] of the said C. D., and as such heir [or *as the case may be*] is entitled to whatever estate or interest the said C. D. had in the property sought to be recovered in this action; it is ordered that the name of the said K. L. as heir-at-law [or *as the case may be*] of C. D. deceased be substituted in the proceedings in this action for the name of the said C. D. deceased as one of the plaintiffs, and that the action be continued and proceeded with in the names of A. B. and K. L. as plaintiffs as if the said A. B. and K. L. had been originally the plaintiffs therein, and that the said K. L. do pay to the registrar of this court on or before the       day of       18       , the sum of £       for the costs occasioned to the defendants by this application, and that the trial of this action be forthwith proceeded with [or be adjourned to the       day of       18       ].

To the defendants.

170.

*Judgment in Ejectment for Substituted Plaintiff.*

In the county court of      

holden at      

(Seal.)

Between E. F., the heir-at-law of A. B. [*the original plaintiff*] deceased .. .. plaintiff,  
and  
C. D. .. .. defendant.  
Or,  
[Between E. F., devisee under the will of  
A. B., the original plaintiff, deceased .. .. plaintiff,  
and  
C. D. .. .. defendant.]

Whereas the plaintiff A. B. died after the commencement of this action, and before the return-day of the summons therein and by an order of the court made this day [or on the       day of       last], it was ordered, amongst other things, that the name of the said E. F., as heir-at-law of A. B. deceased, should be substituted in the proceedings in this action for the name of the said A. B. deceased as plaintiff, and that the action should be continued in the name of the said E. F. as plaintiff as aforesaid.

Now, upon the hearing thereof at a court holden this day, it is adjudged that the said A. B. on the       day of       18       , and thence until the day of his death, was entitled to the possession of the property mentioned in the statement annexed to the summons in this action; that is to say [*describe the property as set out in the statement*]; and that the said plaintiff E. F. is the heir-at-law of the said A. B., and as such heir became on the death of the said A. B. and still is entitled to the possession of the said above-mentioned property; and it is ordered that the defendant do give the plaintiff E. F. possession of the above-mentioned property, forthwith [or on the

day of 18 ], and it is adjudged that the plaintiff E. F. do recover against the defendant the sum of £ for costs:

And it is ordered that the defendant do pay to the registrar of this court the sum above mentioned on or before the day of 18 .

Given under the seal of the court this day of 18 .

By the court,  
Registrar of the court.

To the defendant.

Take notice that if possession be not given and payment made as above ordered a warrant may issue requiring the bailiff of the court to give possession of the said property to the plaintiff, and to levy the sum above mentioned, together with further costs.

[*N.B.—If E. F. be entitled as devisee under the will of A. B., the original plaintiff, or if A. B. be one of several joint plaintiffs, the above form must be altered accordingly.*]

### 171.

#### *Judgment in Ejectment for Surviving and Substituted Plaintiffs.*

No. of plaintiff.

In the county court of holden at .  
(*Seal.*)

Between A. B. and K. L. the heir-at-law of C. D. } Plaintiffs.  
(one of the original plaintiffs) deceased . }  
and

E. F. and G. H. . Defendants.

Whereas one of the plaintiffs, C. D., died after the commencement of this action and before the return-day of the summons therein, and by an order of this court made this day [or on the day of last] it was ordered (amongst other things) that the name of the said "K. L. as heir-at-law of C. D. deceased" should be substituted in the proceedings in this action for the name of the said C. D. deceased, together with the name of the said A. B. as plaintiffs, and that the action should be continued in the names of the said A. B. and K. L. as plaintiffs as aforesaid:

Now, upon the hearing thereof at a court this day holden, it is adjudged, that the said A. B. and C. D. deceased were on the day of 18 , and thence until the day of the death of the said C. D., entitled to the possession of [*describe the property as in the statement annexed to the summons*], mentioned in the statement annexed to the summons in this action; and that the said plaintiff K. L. is the heir-at-law of the said C. D. deceased, and that on the death of the said C. D., the said A. B. and K. L. became and still are entitled to the possession of the property in the said statement mentioned; and it is ordered that the defendants do give the plaintiffs A. B. and K. L. possession of the property above mentioned and described forthwith [or on the day of 18 ]; and it is adjudged that the plaintiffs A. B. and K. L. do recover against the defendants the sum of £ for costs:

And it is ordered that the defendants do pay to the registrar of this court the sum above mentioned on or before the day of 18 .

Given under the seal of the court this day of 18 .

By the court,  
Registrar of the court.

To the defendants.

[*If K. L. be entitled as devisee under the will of C. D., one of the original plaintiffs, this form must be altered accordingly.*]

## 172.

*Order in Ejectment, giving Leave to a Party claiming the Property on the Death of Defendant, who dies before the Return-Day, to appear and defend in the Place of such deceased Defendant.*

Upon reading the affidavit of E. F., and upon hearing the attorneys of the said E. F., and of the plaintiff, and it appearing to the court that the defendant has died since the commencement of the action, and that upon the death of the defendant the said E. F. became entitled to whatever estate or interest the defendant C. D. had in the property sought to be recovered in this action; it is ordered that the said E. F. be at liberty to appear and defend the said property above-mentioned and described in the place of the said C. D. deceased, and that the name of the said E. F. be substituted for that of the said C. D. deceased, as defendant in the proceedings in this action, and that this action be continued as if the said E. F. had been originally made defendant therein; and that the said E. F. do pay to the registrar of this court on or before the day of 18 the sum of £ for the costs occasioned to plaintiff by this application, and that the trial of this action be forthwith proceeded with [or be adjourned to the day of 18 ].

To the plaintiff.

[N.B.—In explanation of this form it may be mentioned that after the amendment the title of the cause will stand thus:—

Between A. B., plaintiff,  
and

E. F. (substituted for C. D., deceased), defendant,  
and all subsequent proceedings will be against E. F. as if he had been originally defendant.]

## 173.

*Summons in Ejectment in the Nature of a Scire Facias for Costs against the Representatives of a deceased Defendant.*

No. of plaint.

In the county court of holden at .

(Seal.)

Between A. B., plaintiff,  
[Address, Description,]  
and  
C. D., defendant,  
[Address, Description.]

Whereas the plaintiff at a court holden at on the day of 18 obtained a judgment against C. D. of for the recovery of the possession of [here describe the property as in the judgment], and for the sum of £ for costs, which judgment remains unsatisfied so far as relates to the said costs; and whereas the said C. D. has since died, and you are his executor [or state other representative character], you are hereby summoned to appear at a court to be holden at on the day of 18 at o'clock in the noon, to show cause why judgment should not be entered up against you at the suit of the plaintiff on the judgment so obtained for the said sum of for costs, and why execution should not issue thereon for the same.

To the defendant.

£ s. d.

Due on judgment for costs . . . :

[N.B.—Judgments can easily be framed from the ordinary form of judgment on scire facias summons.]

174.

*Judgment in Ejectment for Plaintiff who has withdrawn the Action as to Part of the Property.*

Whereas the plaintiff has withdrawn this action as to part of the property mentioned in the statement annexed to the summons in this action; that is to say [*describe the part of the property as set out in plaintiff's notice*], and the action has proceeded for the recovery of the remainder of the said property; now upon the hearing thereof this day it is adjudged that the plaintiff was on the       day of       18   and still is entitled to the possession of the remainder of the property mentioned in the statement annexed to the summons in this action; that is to say [*describe the remainder of the property*]; and it is ordered that the defendant do give the plaintiff possession of the said lastly above-mentioned property forthwith [*or on the day of*]; and it is adjudged that the plaintiff do recover against the defendant the sum of £       for costs:

And it is ordered that the defendant do pay to the registrar of this court the sum above mentioned on or before the       day of       18 .

To the defendant.

[*N.B.—If the judgment be that plaintiff recover part only of the remainder of the property, or be for the defendant, this form must be altered accordingly.*]

175.

*Confession in Ejectment by Defendant of Plaintiff's Title to the Property.*

No. of plaintiff.

In the county court of       holden at       .  
Between A. B., plaintiff,  
and  
C. D., defendant.

I, the above-named defendant, hereby confess and admit the plaintiff's title to the property mentioned in the statement annexed to the summons in this action, and sought to be recovered therein, and that the plaintiff is entitled to the immediate possession thereof.

Dated this       day of       18 .

Defendant.

Signed by the defendant in the presence of       .  
To the registrar of the court.

176.

*Confession in Ejectment by Defendant defending separately for Part of the Property of Plaintiff's Title to such Part.*

No. of plaintiff.

In the county court of       holden at       .  
Between A. B., plaintiff,  
and  
C. D. and E. F. defendants.

I, C. D., one of the above-named defendants, defending separately for [*here describe the part for which C. D. defends*], being part of the property mentioned in the statement annexed to the summons in this action, and for which no other person defends, do hereby confess and admit the plaintiff's

title to the above-mentioned part of the said property, and that he is entitled to the immediate possession thereof.

Dated this            day of            18    .

C. D., one of the defendants.

Signed by C. D., one of the defendants, in the presence of            .  
To the registrar of the court.

## 177.

*Judgment in Ejectment for Plaintiff where a Defendant, defending separately for part of the Property, admits Plaintiff's Title to such Part, and the Action proceeds for the Recovery of the Remainder of the Property.*

Whereas C. D., one of the defendants defending separately for [*here describe the part for which C. D. defends*], being part of the property mentioned in the statement annexed to the summons in this action, and for which no other person defends, hath confessed and admitted the plaintiff's title to the said part of the said property, and that the plaintiff is entitled to the possession thereof; and whereas the action has proceeded for the recovery of the remainder of the said property: Now, upon the hearing thereof at a court holden this day, it is adjudged that the plaintiff was on the            day of            18    and still is entitled to the possession of the remainder of the property mentioned in the statement annexed to the summons in this action; and it is ordered that the defendant C. D. do give the plaintiff possession of the said [*describe the part defended by C. D.*] forthwith [*or on the            day of            18*], and that the defendant E. F. do give the plaintiff possession of the said [*the remainder of the property*] forthwith [*or on the            day of            18*]; and it is adjudged that the plaintiff do recover against the defendant C. D. the sum of £            for costs, and against the defendant E. F. the sum of £            for costs.

And it is ordered that the defendants do respectively pay the said sums above mentioned to the registrar of this court            on or before the            day of            18    .

To the defendants.

Take notice, that unless possession be given and payment made as above ordered a warrant may issue requiring the bailiff of the court to give possession of the said property to the plaintiff, and to levy the sums above mentioned, together with further costs.

[N.B.—*If the judgment be that plaintiff recover part only of the remainder of the property, or be for the defendant, the above form must be altered accordingly.*]

## 178.

*Notice in Ejectment by Mortgagee against Mortgagor that Defendant has paid into Court a Sum of Money for Principal, Interest, and Costs.*

Take notice, that the defendant has paid into court the sum of £            as being all that is due for principal and interest upon the mortgage upon which this action is brought, and for costs; and further take notice, that if you are willing to accept the said sum so paid into court you need not appear on the return-day of the summons; but if you do not agree to accept the said sum so paid in as aforesaid, you should appear at the court on that day, as the court will then proceed to determine whether the said sum of £            so paid into

court as aforesaid is sufficient to satisfy all such principal, interest, and costs and fees as aforesaid, and will in either case make such order in the matter as to the court shall seem fit.

Dated this        day of        18    .

Registrar of the court.

To the plaintiff.

---

179.

*Order in Ejectment by Mortgagee against Mortgagor (all Money due for Principal, Interest, and Costs having been paid into Court) upon Plaintiff to reconvey to the Defendant the mortgaged Property.*

Whereas this action is brought to recover possession of certain property mortgaged by the defendant to the plaintiff, and the defendant has paid into court the sum of £        for principal, interest, and costs due upon or in respect of the said mortgage: Now upon the hearing thereof at a court this day holden, the plaintiff not appearing, [or the plaintiff agreeing to accept the said sum of £        for such principal, interest, and costs, as aforesaid, or the plaintiff, alleging that the said sum of £        is not sufficient to satisfy such principal, interest, and costs, as aforesaid, it is adjudged that the said sum is sufficient to satisfy such principal, interest, and costs, as aforesaid, and] it is ordered that within        days from this day the plaintiff shall, at the costs and charges of the defendant, reconvey to the defendant the mortgaged property for the recovery of which this action is brought, and shall deliver up to the defendant all title deeds and writings relating to the property.

To the plaintiff and to the defendant.

---

180.

*Order in Ejectment by Mortgagee against Mortgagor (a certain Sum having been paid into Court for Principal, Interest, and Costs), that Defendant shall pay a further Sum into Court, and that upon such Payment being made the Plaintiff shall reconvey the mortgaged Property to the Defendant.*

Whereas this action is brought to recover possession of certain property mortgaged by the defendant to the plaintiff, and the defendant has paid into court the sum of £        for principal, interest, and costs due upon or in respect of the said mortgage: Now, upon the hearing thereof at a court this day holden, the plaintiff refusing to accept the said sum so paid into court as aforesaid, it is adjudged that the said sum of £        is not sufficient to satisfy the principal, interest, and costs due upon or in respect of the said mortgage, and that the further sum of £        is due from the defendant to the plaintiff for the same; and it is ordered that the defendant shall on or before the        day of        18    pay to the registrar of this court the said last-mentioned sum, together with £        for the plaintiff's costs in this action, and that upon the said sums of £        and £        , amounting together to the sum of £        , being paid into court on or before the said        day of        18    , the plaintiff shall, within        days from the said last-mentioned day, at the costs and charges of the defendant, reconvey to the defendant the mortgaged property for the recovery of which this action is brought, and deliver up to him all title deeds and writings relating thereto; and it is further ordered, that if the defendant shall not, before or on the said        day of        18    , pay the said last-mentioned sum, then execution shall forthwith issue on the applica-

tion of the plaintiff for the recovery of the possession of the property described in the summons in this action, and for the sum of £ [the costs of this action], together with the costs of the execution; and the registrar shall return the money paid into court to the defendant.

To the plaintiff and to the defendant.

## 181.

*Particulars or Statement of the Cause of Action under Section 12 of 30 & 31 Vict. c. 141.*

This action is brought,—

A. For that the plaintiff was possessed of a cottage, and by reason thereof was entitled to a right of way from and to the said cottage, over and through a certain inclosed yard of the defendant, to a certain spring of water, for the purpose of getting water from the said spring, and that the defendant hath prevented the plaintiff from using the said way and having thereby access to the said spring, and still hinders and prevents him therefrom; and neither the annual value nor the yearly rent of the lands, tenements, or hereditaments in respect of which or on, through, or over which such easement is claimed exceeds the sum of £20; and the plaintiff claims £20 damages. Interruption of right of way.

B. For that the plaintiff was possessed of a cottage and premises, and by reason thereof was entitled to have all the sewage and waste water arising on and from the said cottage and premises flow along and through a drain through and under the surface of a garden in the occupation of defendant into a cesspool there, and the defendant, by stopping up the said drain, hath prevented and still prevents such sewage and waste water from flowing through and along the said drain into the said cesspool; and neither, &c. [as in the last form], and the plaintiff claims 5s. damages. Interruption of drainage.

C. For that the plaintiff was possessed of a house, in which there were divers windows, and by reason thereof was entitled to the free access of air and light into the said house through the said windows, and the defendant by building a wall close to and in front of the said windows, hath darkened the plaintiff's house, and prevented and still prevents the access of light and air into the plaintiff's house as plaintiff before enjoyed the same; and neither the annual value nor yearly rent of either plaintiff's house, or of the land on which the defendant has built the said wall, exceeds the sum of £20; and the plaintiff claims 40s. damages. Obstruction of light and air.

[The above forms are given merely as examples, and the statement in all cases must be in accordance with the right claimed, and be as concise as possible.]

## 182.

*Notice to Distrainor of Goods [or Cattle] intended to be replevied.*

In the county court of                      holden at  
Take notice, that A. B. of, &c., whose goods [or cattle] you have distrained, intends to replevy the same, and has proposed as his sureties for the due prosecution of an action of replevin against you in the [here mention the court in which the action is to be brought], E. F. of, &c., and G. H. of, &c., and that if you have any valid objection to make to the proposed sureties, or either of them, you must attend at [here insert place of office of registrar], on the day of                      18                      , at the hour of                      , when the bond will be submitted to me for approval.

19 & 20 Vict.  
c. 108, su.  
63, 64.

J. K.,  
Registrar of the court.



183.

*Bond in Replevin where Action to be commenced in High Court.*

19 & 20 Vict.  
c. 108, s. 65.  
(a) The dis-  
trainer.

Know all men by these presents, that we A. B. of, &c., C. D. of, &c., and E. F. of, &c., are held and firmly bound unto G. H. (\*) of, &c., in £ to be paid to the said G. H. or his certain attorney, executors, administrators, or assigns, for which payment to be made we bind ourselves and each and every of us, in the whole, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this            day of            one thousand eight hundred and            .

I approve of  
this bond.  
I. K.,  
Registrar.  
(L.S.)  
*This bond  
does not re-  
quire a stamp.  
See 5 Geo. 4,  
c. 41.*

Whereas the above-named C. D. and E. F., at the request of the said A. B., have agreed to enter into the above-written obligation, and his security has been approved of by            , the registrar of the county court of            holden at            , as appears by his allowance in the margin hereof:

Now the condition of this obligation is such, that if the above-bounden A. B. do and shall within one week from the date of the said obligation commence an action of replevin against the above-named G. H. in her Majesty's High Court of Justice, for taking and unjustly detaining of certain goods and chattels of the said            to wit [here insert the description of the goods and chattels], and prosecute such action with effect and without delay, and unless judgment be obtained thereon by default, do and shall prove before the said court of that he the said            had good ground for believing that the title to the hereditament in respect of which the distress was made was in question [or, that the title to a toll was in question,] [or, that the title to a market was in question,] [or, that the title to a fair was in question,] [or, that the title to a franchise was in question,] [or, that the alleged rent or damage in respect of which the distress was made exceeded twenty pounds], and do and shall also make return of the said goods and chattels, if return thereof shall be awarded, then this obligation shall be void and of no effect, otherwise shall be and remain in full force.

A. B. (L.S.)  
C. D. (L.S.)  
E. F. (L.S.)

Signed, sealed, and delivered by the above bounden in the presence of            .

19 & 20 Vict.  
c. 108, s. 71.

NOTE.—If a deposit of money be made, the memorandum thereof should follow the terms of the conditions of the bond, and will not require a stamp.

184.

*Bond in Replevin where Action to be commenced in County Court.*

19 & 20 Vict.  
c. 108, s. 66.  
(a) The dis-  
trainer.

Know all men by these presents, that we, A. B. of, &c., C. D., of, &c., and E. F. of, &c., are held and firmly bound unto G. H. (a) of, &c., in £ to be paid to the said G. H., or his certain attorney, executors, administrators, or assigns, for which payment to be made we bind ourselves and each and every of us, in the whole, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this            day of            one thousand eight hundred and            .

I approve of  
this bond.  
I. K.,  
Registrar.  
(L.S.)  
*This bond  
does not re-  
quire a stamp.  
See 5 Geo. 4,  
c. 41.*

Whereas the above-named C. D. and E. F., at the request of the said A. B., have agreed to enter into the above-written obligation, and this security has been approved of by            , the registrar of the county court of            holden at            , as appears by his allowance in the margin hereof:

Now the condition of this obligation is such, that if the above-bounden A. B., do and shall within one month from the date of the said obligation commence an action of replevin against the above-named G. H. in the county court of            holden at            for taking and unjustly detaining of certain goods and chattels of the said            to wit [here insert the description of the

*goods and chattels*], and prosecute such action with effect and without delay, and do and shall also make return of the said goods and chattels, if return thereof shall be awarded, then this obligation shall be void and of no effect, otherwise shall be and remain in full force.

A. B. (L.S.)  
C. D. (L.S.)  
E. F. (L.S.)

Signed, sealed, and delivered by the above bounden in the presence of

NOTE.—If a deposit of money be made, the memorandum thereof should follow the terms of the conditions of the bond, and will not require a stamp. 19 & 20 Vict. c. 108, s. 71.

## 185.

*Warrant to High Bailiff to replevy.*

In the county court of  
holden at

Whereas                    hath given security as well to commence his action of replevin against                    for the taking and unjustly detaining of certain goods and chattels [*or cattle*] of the said                    that is to say:                    and prosecute such action with effect and without delay, as also to return the said goods and chattels if return thereof shall be adjudged by law: Now, as registrar of the said county court, and by virtue of the provisions of the 19 & 20 Vict. c. 108, I hereby authorize and direct you without delay to replevy and deliver the said goods and chattels [*or cattle*] to the said                    and forthwith to return to me this warrant and what you shall have done under the same.

Dated the                    day of                    18                    .

Registrar of the court.

To the high bailiff of the court.

In obedience to this warrant, I have replevied and caused to be delivered to the within-named                    the within-mentioned goods and chattels [*or cattle*].

Dated this                    day of                    18                    .

High Bailiff.

(For Judgment for Plaintiff in Replevin, see Form 24.)

## 186.

*Judgment for Defendant in Replevin for Rent.*

Upon hearing this cause at a court holden this day, it is adjudged that the plaintiff do return to the defendant the goods and chattels, [*or cattle, stating the particulars thereof,*] and pay to the registrar of the court forthwith [*or on the                    day of*], the sum of £                    for costs of suit [*or, It is adjudged that the amount due for rent in arrear from the plaintiff to the defendant is £                    and that the goods and chattels [*or cattle*] were of the value of £                    and that the plaintiff do forthwith [*or on the                    day of*] pay to the registrar of the court, at his office, the said sum of £                    and also the sum of £                    for costs of suit.*

## 187.

*Judgment for Defendant in Replevin of Cattle Damagefeasant.*

Upon hearing this cause at a court holden this day, it is adjudged that the plaintiff do return to the defendant the cattle [*here specify the cattle*] or do pay to the registrar of this court, forthwith [*or on the                    day of*], the sum of £                   , which is now adjudged to be the amount of damage sustained by the defendant.

It is also adjudged that the plaintiff do pay to the registrar of the court, on the day and year aforesaid, the sum of £                    for costs.

188.

*Judgment in Detinue.*

Upon hearing this cause at a court holden this day, it is adjudged that the plaintiff do recover against the defendant the sum of £ , the same being now this day assessed by this court to be the value of the following chattels of the plaintiff wrongfully detained by the defendant; that is to say, [*Here enumerate the chattels which the court decides to have been detained*] and the further sum of £ for damages for the detention of the said chattels, and the sum of £ for costs.

And it is ordered, that the defendant do pay the said several sums to the registrar of the court on the day of 18 .

<p>Acknowledgment of payment into court.</p> <p>_____ £. s. d.          _____          _____          _____          _____          _____</p>	<p>* And it is further ordered, that if the defendant shall on or before the said last-mentioned day pay to the registrar the said sums respectively above ordered to be paid for damages and costs, and also return to the plaintiff the said chattels, and if the plaintiff shall then accept the same, then satisfaction of this judgment shall be entered up by the registrar on the production to him of a receipt for the said chattels signed by the plaintiff or his attorney or agent into court.</p>
---	--

\* This paragraph is not to be added unless it be part of the order of the judge.

189.

*Warrant of Execution in Detinue against Goods of Defendant.*

Whereas at a court holden at on the day of 18 , the plaintiff obtained a judgment against the defendant for the sum of £ the same being assessed by this court to be the value of certain chattels of the plaintiff wrongfully detained by the defendant, and for the further payment of £ for damages for the detention of the said chattels, and of £ for costs; and thereupon it was ordered by the court, that the defendant should pay the same to the registrar of this court on the day of [or by instalments of for every days, the first instalment to be paid on the day of 18 ]:

\* And it was further ordered, that if the defendant should on or before the said last-mentioned day pay to the registrar the said sums respectively above ordered to be paid for damages and costs, and also return to the plaintiff the said chattels, and if the plaintiff should then accept the same, then satisfaction of the said judgment should be entered up by the registrar on the production to him of a receipt for the said chattels signed by the plaintiff or his solicitor.\*

And whereas † the defendant did not on the said day of 18 return the said chattels to the plaintiff, and † default has "also" been made in payment according to the said orders:

These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the defendant wheresoever they may be found within the district of this court (except the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount due to the plaintiff under the said order, including the costs of this execution; and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the defendant, which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution and the costs of making and executing the same, and to pay what you shall have so levied to the registrar of this court, and to make return of what you have done under this warrant immediately upon the execution thereof.

[N.B.—If the judgment do not contain the words between asterisks omit those words in the warrant, and also the words between the marks (†) and (†) and the word "also."]

	£	s.	d.
Value of goods detained .. .. .			
Damages for their detention .. .. .			
Costs .. .. .			
Paid into court .. .. .			
Remaining due .. .. .			
Poundage for issuing this warrant .. .. .			
Total amount to be levied .. .. .			

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the defendant.

Application was made to the registrar for this warrant at      minutes past 19 & 20 Vict.  
the hour of      in the      noon of the      day of      18      c. 108, s. 46.

## 190.

*Order under the Friendly Societies and other Acts.*

Upon hearing this cause at a court this day holden it is ordered that the defendant do [*here insert the terms of the order made by the court*]:

And it is further ordered, that [*recite terms of order*].

## 191.

*Order for Warrant of Execution to issue under the Friendly Societies and other Acts.*

Whereas at a court holden at      on the      day of      18      , it was ordered by the said court [*here insert the terms of the order of the court*]:

And it was then further ordered, that [*recite terms of order*].

And whereas it appears to the court that the defendant has not obeyed either of the said orders, although demand in that behalf was duly made upon him:

It is therefore ordered that a warrant of execution issue for the said sum, being the amount of such penalty and the costs thereof.

## 192.

*Warrant of Execution against the Goods under the Friendly Societies and other Acts.*

Whereas at a court holden at      on the      day of      18      , it was ordered by the said court, that [*here insert the terms of the order of the court*]:

And it was then further ordered, that [*recite terms of order*].

And whereas the defendant has not obeyed either of the said orders:

These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the defendant, wheresoever

D.C.C.

R

they may be found within the district of this court (excepting the wearing apparel and bedding of the defendant or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount of such penalty and costs, including the costs of this execution, and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the defendant which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the registrar of the court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the court, this

day of 18 .

By the court,

Registrar of the court.

To the high bailiff of the said court,  
and others the bailiffs thereof.

	£	s.	d.
Amount ordered to be paid .. .. .			
Costs .. .. .			
Poundage for issuing this warrant .. .. .			
Total amount to be levied .. .. .			

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the said defendant.

19 & 20 Vict.  
c. 108, s. 46.

Application was made to the registrar for this warrant at minutes  
past the hour of in the noon of the day of 18 .

### 193.

#### *Warrant of Commitment for Contempt.*

9 & 10 Vict.  
c. 96, s. 113.

To the high bailiff and others the bailiffs of the said court, and all peace officers within the jurisdiction of the said court, and to the governor or keeper of the [prison used by the court].

Whereas at the court holden on this day A. B. wilfully insulted the judge during his sitting in court [or C. D., the registrar, high bailiff, bailiff, or officer (as the case may be) of the said court during his attendance in court, or wilfully interrupted the proceedings of the said court, or wilfully misbehaved in the said court]:

These are therefore to require you, the said high bailiff, bailiffs, and others, to take the said A. B. and to deliver him to the governor [or keeper] of the above-named prison, and you the said governor [or keeper, &c.] to receive the said A. B. and him safely to keep in the said prison for days from the arrest under this warrant, or until he shall be sooner discharged by due course of law.

Given under the seal of the court, this

day of 18 .

Judge of the court.

### 194.

#### *Order under "The Mercantile Law Amendment Act, 1856."*

19 & 20 Vict.  
c. 97, s. 2.

Upon hearing this cause (the same being for breach of contract to deliver specific goods for a price in money), at a court holden this day, it being

adjudged that the plaintiff is entitled to recover, it is, upon the application of the plaintiff, found and adjudged, that the goods in respect of the non-delivery of which the plaintiff is entitled to recover, and which remain undelivered, are as follows; (that is to say,) [*here enumerate the goods undelivered*]; and that the plaintiff would have been liable to pay the sum of £ [*here insert the sum to be paid by plaintiff for the delivery*] for the delivery thereof; and that the plaintiff will have sustained damages to the amount of £ [*here insert the sum assessed for damages if the goods be delivered*] if the said goods shall be delivered under execution as hereinafter mentioned, and to the amount of £ [*here insert the sum assessed for damages in the event of the non-delivery of the goods*] if the said goods shall not be so delivered: And thereupon judgment being now given for the plaintiff, it is, upon the application of the plaintiff, ordered that the said goods be delivered by defendant to the plaintiff, on the payment by him of the said sum of £ [*here insert the sum to be paid by plaintiff for the delivery*] on or before the       day of       now next ensuing, and that in default thereof execution do issue for the delivery to the plaintiff, on payment by the plaintiff of the said sum of £ [*here insert the sum to be paid by plaintiff for the delivery*], of the said goods; and that the defendant shall not have the option of retaining the same upon payment of the damages lastly assessed in the event of the non-delivery of the goods; and that the plaintiff do recover against the defendant the said sum of £ [*here insert the sum assessed for damages if the goods be delivered*] for damages and       for costs.

And it is further ordered, that if the said goods or any part thereof cannot be found within the district of this court, the bailiff of this court shall distrain the defendant by all his lands and chattels within the district of this court till the defendant deliver the said goods, or, at the option of the plaintiff, the said bailiff shall cause to be made of the defendant's goods the said sum secondly above assessed for damages, or a due proportion thereof.

## 195.

*Distringas and Warrant of Execution against Defendant's Goods for the Amount of Damages for Non-delivery of the Goods (supposing the Goods delivered under the Order and Distringas), and Costs, under "The Mercantile Law Amendment Act, 1856."*

Whereas at a court holden at       on the       day of       18       , the plaintiff obtained a judgment against the defendant for the delivery to the plaintiff upon payment by the plaintiff of the sum of £ [*here insert the sum to be paid by plaintiff for the delivery*] of the following goods; that is to say [*here enumerate the goods enumerated in the judgment*]; and by the said judgment it was found and adjudged that the plaintiff will have sustained damages to the amount of £ [*here insert the sum assessed for damages if the goods be delivered*] if the said goods shall be delivered to the plaintiff under this warrant, and to the amount of £ [*here insert the sum assessed for damages in the event of the non-delivery of the goods*] if the said goods shall not be so delivered, and judgment being then given for the plaintiff, it was thereupon ordered that execution do issue for the delivery to the plaintiff, on payment by the plaintiff of the said sum of £ [*here insert the sum to be paid by plaintiff for the delivery*], of the said goods, and that the defendant should not have the option of retaining the said goods upon payment of the said sum of       [*here insert the sum assessed for damages in the event of the non-delivery of the goods*], and that the plaintiff do recover against the defendant the said sum of £       [*here insert the*

19 & 20 Vict.  
c. 97, s. 2.

*sum assessed for damages if the goods be delivered*] for damages, and £ for costs :

And it was further ordered, that if the said goods or any part thereof should not be found within the district of this court, the bailiff of this court should distrain the defendant by all his lands and chattels within the district of this court till the defendant deliver the said goods, or, at the option of the plaintiff, the said bailiff should cause to be made of the defendant's goods the said sum of £ [here insert the sum found for damages if the goods be not delivered], or a due proportion thereof :

And whereas the said goods have not been delivered according to the said order, and the said sum of £ so payable by the plaintiff as aforesaid has been paid to the registrar of this court, and the plaintiff has not expressed his option to have the said sum of £ [here insert the sum found for damages if the goods be not delivered], or a due proportion thereof, made of the goods of the defendant :

These are therefore to require and order you forthwith to seize the said goods so not delivered as aforesaid, wheresoever they may be found within the district of this court, and to deliver the same to the plaintiff, and pay over to the defendant upon seizure of the said goods the said sum of £ [here insert the sum to be paid by the plaintiff for the delivery] which is delivered to you together with this warrant :

And if the same cannot be found by you within such district, you are required and ordered to distrain all the lands and chattels of the defendant, wheresoever they may be found within the district of this court, and them hold until the defendant shall deliver the said goods to you ; and further to make and levy, by distress and sale of the goods and chattels of the defendant, wheresoever they may be found within the district of this court (excepting the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount due to the plaintiff under the said order, including the costs of this execution ; and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the defendant which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the registrar of this court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the court, this                      day of                      18 .

By the court,

Registrar of the court.

To the high bailiff of the said court,  
and others the bailiffs thereof.

	£	s.	d.
Amount found for damages if the goods be delivered ..			
Sum adjudged for costs .. .. .			
Poundage for issuing this warrant .. .. .			
Total amount to be levied .. .. .			

NOTICE.—The goods and chattels seized for damages and costs are not to be sold until after the end of five days next following the day on which they were seized, unless they be of a perishable nature, or at the request of the defendant.

Application was made to the registrar for this warrant at                      minutes past the hour of . in the                      noon of the                      day of                      18 .

[N.B.—When a plaintiff sues out this warrant, he must pay to the registrar the amount found by the judgment to be payable by plaintiff for the

*delivery of the goods, and the registrar must hand over such amount to the bailiff with this warrant, for the bailiff to pay to the defendant, if either the defendant delivers the goods to the bailiff or the bailiff obtains possession of them under this warrant.]*

196.

*Warrant of Execution against Defendant's Goods under the Mercantile Law Amendment Act, where Plaintiff exercises the Option of having the Damages assessed for the Non-delivery of the Goods (where the Goods are not delivered pursuant to the Order) levied by distress and Sale of Defendant's Goods.*

Whereas at a court holden at                      on the                      day of                      18                      , the plaintiff obtained a judgment against the defendant for the delivery to the plaintiff, upon payment by the plaintiff of the sum of £                      [*here insert the sum to be paid by plaintiff for the delivery*], of the following goods; that is to say [*here enumerate the goods enumerated in the judgment*]; and by the said judgment it was found and adjudged that the plaintiff will have sustained damages to the amount of £                      [*here insert the sum assessed for damages if the goods be delivered*] if the said goods shall be delivered to the plaintiff under this warrant, and to the amount of £                      [*here insert the sum assessed for damages in the event of the non-delivery of the goods*] if the said goods shall not be so delivered, and judgment being then given for the plaintiff, it was thereupon ordered that execution do issue for the delivery to the plaintiff on payment by the plaintiff of the said sum of £                      [*here insert the sum to be paid by plaintiff for the delivery*] of the said goods, and that the defendant should not have the option of retaining the said goods upon payment of the said sum of £                      [*here insert the sum assessed for damages in the event of the non-delivery of the goods*], and that the plaintiff do recover against the defendant the said sum of £                      [*here insert the sum assessed for damages if the goods be delivered*] for damages, and £                      for costs:

And it was further ordered that if the said goods or any part thereof should not be found within the district of this court, the bailiff of this court should distrain the defendant by all his lands and chattels within the district of this court till the defendant deliver the said goods, or, at the option of the plaintiff, the said plaintiff should cause to be made of the defendant's goods the said sum of £                      [*here insert the sum found for damages if the goods be not delivered*], or a due proportion thereof: And whereas the said goods have not been delivered according to the said order, and the plaintiff has expressed his option to have the said sum of £                      [*here insert the sum assessed for damages in the event of non-delivery of the goods*] made of the goods and chattels of the defendant: These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the defendant wheresoever they may be found within the district of this court (excepting the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount due to the plaintiff under the said order, including the costs of this execution, and also to seize and take any money or bank notes (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the defendant which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the cost of making and executing the same, and to pay what you shall have

19 & 20 Vict.  
c. 97, s. 2.



so levied to the registrar of this court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the court this      day of      18 .

By the court,  
Registrar of the court.

To the high bailiff of the said court,  
and others the bailiffs thereof.

	£	s.	d.
Amount found for damages if the goods be not delivered ..			
Sum adjudged for costs .. .. .			
Poundage for issuing this warrant .. .. .			
Total amount to be levied .. .. .			

NOTICE.—The goods and chattels are not to be sold until after the end of five days next following the day on which they may have been taken, unless they be of a perishable nature, or at the request of the defendant.

19 & 20 Vict.  
c. 108, s. 46. Application was made to the registrar for this warrant at      minutes  
past the hour of      in the fore [or after] noon of the      day of  
18 .

197.

### *Defendant's Admission.*

Order XII,  
r. 3. I, the undersigned defendant, admit the truth of the allegations in the  
plaint, and hereby submit to the judgment of the court thereon.

(Signed) C. D., defendant.

Signed in the presence of .  
[This paper marked (A.) is the paper referred to in the annexed  
affidavit.]

198.

### *Affidavit of Signature to Defendant's Admission.*

Order XII.,  
r. 3. I,      of      gentleman, a solicitor of her Majesty's Supreme Court  
of      at Westminster, make oath and say, that I was present on the  
day of      one thousand eight hundred and seventy      , and did see the  
above-named C. D., the defendant, sign the statement hereunto annexed,  
marked with the letter A., and that the name set to the said statement is in  
the handwriting of the defendant, and that the name set to the said statement  
as the witness attesting the same is in my handwriting.

199.

### *Defendant's Statements.*

Order XII.,  
r. 2. I, the undersigned defendant [or one of the defendants] disclaim all interest  
under the will of the said E. F. named in the plaintiff's particulars [or as heir-  
at-law of, or as next of kin, or one of the next of kin of E. F. deceased, named  
in the plaintiff's particulars].

Or, I the undersigned defendant state, that I admit [or deny] [here repeat  
in the language of the particulars the statements admitted or denied.]

Or, I the undersigned defendant submit that upon the facts stated in the  
plaintiff's particulars it does not appear that there is any agreement which  
can be legally enforced [or that it appears upon the plaintiff's particulars that

I am jointly liable with one E. F., who is not a party to the action, and not severally liable as by the particulars appear, or that it appears by the said plaintiff's particulars that G. H. should have been a joint plaintiff with the said A. B. in the said action, or as the case may be].

Or that the plaintiff has conveyed [or assigned] his interest in the said mortgage [or equity of redemption] to one I. J., or that I have conveyed or assigned to K. L., by way of further charge for securing the sum of £ , the equity of redemption in the property sought by the action to be foreclosed.

Or that since the dissolution of the partnership the plaintiff has executed a deed under seal, whereby the plaintiff covenants to discharge all debts and liabilities of the partnership, and generally to release me from all claims and liabilities either by or to himself and others in respect of the said partnership trading, or as the case may be.

(Signed) C. D., defendant.

Where filed by solicitor add—

This statement was filed by , of , solicitor for the defendant.

200.

### Order.—Administration Action.

It is ordered that the following accounts and inquiries be taken and made; that is to say,—

#### *In creditor's action.*

1. That an account be taken of what is due to the plaintiff and all other the creditors of the deceased.

#### *In action by legatees.*

An account be taken of the legacies given by the testator's will.

#### *In action by next of kin.*

An inquiry be made and account taken of what, or of what share, if any, the plaintiff is entitled to as next of kin [or one of the next of kin] of the intestate.

[After the first paragraph, the order will, where necessary, order, in a creditor's action, inquiry and accounts for legatees, devisees, heirs-at-law, and next of kin. In actions by claimants other than creditors, after the first paragraph in all cases an order to inquire and take an account of creditors will follow the first paragraph, and such of the others as may be necessary will follow, omitting the first formal words. The form is continued as in a creditor's action.]

3. An account of the funeral and testamentary expenses.

4. An account of the personal estate of the deceased come to the hands of the defendant, or to the hands of any other person by his order or for his use.

5. An inquiry what part (if any) of the personal estate of the deceased are outstanding and undisposed of.

6. And it is further ordered, that the defendant do, on or before the day of next, pay into court all sums of money which shall be found to have come to his hands, or to the hands of any person by his order or to his use.

7. And that if the registrar shall find it necessary for carrying out the objects of the action to sell any part of the personal estate of the deceased, that the same be sold accordingly.

8. And that Mr. be receiver in the action, and receive and get in all outstanding debts and outstanding personal estate of the deceased, and pay the same into the hands of the registrar [and shall give security by bond for the due performance of his duties to the amount of £ ].

9. And it is further ordered, that if the personal estate of the deceased be found insufficient for carrying out the objects of the action, then the following further inquiries be made, and accounts taken; that is to say,

10. That an inquiry be made what real estate the deceased was seized of or entitled to at the time of his death.

11. What are the incumbrances (if any) affecting the real estate of the deceased or any part thereof.

12. An account, so far as possible, of what is due to the several incumbrancers, and to include a statement of the priorities of such of the incumbrancers as shall consent to the sale hereinafter directed.

13. And that the real estate of the deceased, or so much thereof as shall be necessary to make up the fund in court sufficient to carry out the object of the action, be sold, with the approbation of the judge, free from incumbrances (if any) of such incumbrancers as shall consent to the sale, and subject to the incumbrances of such of them as shall not consent.

14. And it is ordered, that                    shall have the conduct of the sale of the real estate, and shall prepare the conditions and contracts of sale, and the abstract of title, subject to the approval of the registrar, and that in case any doubt or difficulty shall arise the papers shall, with the like approval, be submitted to                    Esquire, to settle.

15. And it is further ordered, that, for the purpose of the inquiries hereinbefore directed, the registrar shall advertise in the newspapers according to the practice of the court, or shall make such inquiries in any other way which shall appear to the registrar to give the most useful publicity to such inquiries.

16. And it is ordered, that the above inquiries and accounts be made and taken, and that all other acts ordered to be done be completed before the day of                    , and that the registrar do certify the result of the inquiries and the accounts, and that all other acts ordered are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of                    .

17. And lastly it is ordered, that this action [or matter] stand adjourned for making a final decree to the                    day of                    .  
[Such part only of this order is to be used as is applicable to the particular case.]

---

## 201.

### *Form of Order under Order XVIII., Rule 15, or under Order XI.*

It appearing to me that it will be for the benefit of the estate that the remaining outstanding debts be sold, I do order that the debts now due to the estate of E. F., the testator [or intestate] in the plaint in this action mentioned be sold as soon as conveniently may be by                    [the receiver] by private contract [or public auction] for the highest price that can be obtained for the same.

Dated this                    day of                    .

J. S., Judge.

---

## 202.

### *Form of Order under Order XVIII., Rule 14, or under Order XI.*

It appearing to me that it is necessary for carrying out the objects of this action that the real estate [or part of the real estate] of the deceased be sold, I do order that all that freehold [copyhold or leasehold] messuage or tenement, &c. [setting out parcels as in last conveyance], being the real [or part of the real] estate of E. F., late of                    in the county of                    , deceased, the testator [or intestate] in the plaint in the suit mentioned, be offered for sale by public auction at the                    Hotel at                    by Mr.                    auctioneer, and be

then and there sold [provided the sum bid for the same be not less than £  
or] to the highest bidder without reserve.

Dated this            day of            .

J. S., Judge.

---

203.

*Order for Reference in Foreclosure Action by Legal Mortgage.*

It is ordered that it be referred to the registrar to take an account of what is due to the plaintiff for principal and interest on the mortgage mentioned in the plaint (making allowance on one side or the other for any rents or profits received by the plaintiff and for any sums of money lawfully expended by the plaintiff about the mortgaged premises), and to tax the plaintiff's costs of this action, and that the registrar do certify to the court, on the            day of            what he shall find to be due for principal and interest as aforesaid and for costs: And upon the defendant paying into court what shall be certified to be due to the plaintiff for principal and interest as aforesaid, together with the said costs, within six months after the registrar shall have presented his certificate, it is ordered that the plaintiff do re-convey the said mortgaged premises, free and clear from all incumbrances done by him, or any claiming by, from, or under him, and do deliver up to the registrar all deeds and writings in his custody or power relating thereto, and that upon such re-conveyance being made, and deeds and writings being delivered up, the registrar shall pay out to the plaintiff the said sum so paid in as aforesaid for principal, interest, and costs; but in default of the defendant paying into court such principal, interest, and costs as aforesaid, by the time aforesaid, then it is ordered that the defendant do stand absolutely debarred and foreclosed of and from all equity of redemption of, in, and to the said premises, and the registrar is to settle the conveyance if the parties differ about the same; and it is further ordered, that after the expiration of the said six months, the plaintiff shall be at liberty to apply to the court for a judgment for the foreclosure of the said mortgage.

[*N.B.*—Where the state of the account is ascertained at the first hearing, instead of the order of reference to the registrar, begin, It is declared that the sum of £            is now due to the plaintiff for principal and interest on the mortgage mentioned in the plaint, and it is ordered that the registrar do tax the plaintiff's costs of this action, and that]

---

204.

*Order of Sale in an Action by a Legal or Equitable Mortgagee or Person entitled to a Lien.*

It is ordered that it be referred to the registrar to take an account of what is due to the plaintiff for principal and interest on the mortgage [or equitable mortgage or lien] mentioned in the plaint, and to tax the plaintiff's costs of this action, and that the registrar do certify to the court on the            day of            what he shall find to be due for principal and interest as aforesaid, and for costs: And upon the defendant paying into court what shall be certified to be due to the plaintiff for principal and interest as aforesaid, together with the said costs, within six months after the registrar shall have presented his certificate, it is ordered that the plaintiff [do re-convey the said mortgaged premises free and clear from all incumbrances done by him, or any claiming by, from, or under him, and] do deliver up to the registrar all deeds and writings in his custody or power relating thereto, and that upon such re-conveyance being made, and deeds and writings being delivered up, the registrar

shall pay out to the plaintiff the said sum so paid in as aforesaid, for principal, interest, and costs; but in default of the defendant paying into court such principal, interest, and costs as aforesaid by the time aforesaid, then it is ordered that the said mortgaged premises [or the premises subject to the said equitable mortgage or lien] be sold with the approbation of the registrar: And it is ordered that the money to arise by such sale be paid into court, to the end that the same may be duly applied in payment of what shall be found due to the plaintiff for principal, interest, and costs as aforesaid, and that the balance (if any) shall be paid to the defendant.

## 205.

*Order—Dissolution of Partnership.*

It is declared that the partnership set forth in the plaintiff's particulars between the plaintiff and defendant ought to stand dissolved as from the day of , and it is ordered that the dissolution thereof as from that day be advertised in the London Gazette, &c.

And it is ordered that be the receiver of the partnership estate and effects in this action, and do get in all the outstanding book debts and claims of the partnership.

And it is ordered that the following accounts be taken:—

1. An account of the credits, property, and effects now belonging to the said partnership.

2. An account of the debts and liabilities of the said partnership.

3. An account of all dealings and transactions between the plaintiff and defendant from the foot of the settled account exhibited in this action and marked (A.), and not disturbing any subsequent settled accounts.

And it is ordered that the goodwill of the business heretofore carried on by the plaintiff and defendant as in the plaint mentioned, and the stock-in-trade, be sold on the premises, and that the registrar may, on the application of any of the parties, fix a reserved bidding for all or any of the lots at such sale, and that either of the parties are to be at liberty to bid at the sale.

And it is ordered that the above accounts be taken, and all the other acts required to be done be completed, before the day of , and that the registrar do certify the result of the accounts, and that all other acts are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of .

And lastly it is ordered that this action stand adjourned for giving judgment to the day of .

## 206.

*Judgment for Foreclosure.*

Whereas it appears to the court that the defendant has not paid into court the sum which was on the day of last certified by the registrar to be due to the plaintiff for principal and interest upon the mortgage mentioned in the plaintiff's particulars, and for costs, pursuant to the decretal order made in this action on the day of last, and that the period of six months has elapsed since the said day of :

It is ordered that the defendant do stand absolutely debarred and foreclosed of and from all equity of redemption of, in and to the said mortgaged premises.

207.

*Partnership.**Judgment.*

It is ordered that the fund now in court, amounting to the sum of £  
be applied as follows:—

1. In payment of the debts due by the partnership set forth in the registrar's certificate, amounting in the whole to £

2. In payment of the costs of all parties in this action, amounting to £  
[These costs must be ascertained before the decree is drawn up.]

3. In payment of the sum of £ to the plaintiff as his share of the partnership assets, and of the sum of £, being the residue of the said sum of £ now in court to the defendant as his share of the partnership assets.

[Or, And that the remainder of the said sum of £ be paid to the said plaintiff [or defendant] in part payment of the sum of £ certified to be due to him in respect of the partnership accounts.

And that the defendant [or plaintiff] do, on or before the day of , pay to the plaintiff [or defendant] the sum of £ being the balance of the said sum of £ due to him which will then remain due.]

208.

*Notice of Order to absent Party.*

Take notice that on the day of the order of which a copy is here-  
unto annexed was made in this action, and that from the service of this notice  
you will be bound by the proceedings in the above action in the same manner  
as if you had been originally made a party to it, and that you may attend the  
proceedings under the said order, and that you may apply to the court to add  
to the order.

15 & 16 Vict.  
c. 86, s. 42.

Dated this day of 18 .  
To .

Registrar.

209.

*Notice to Creditor to prove his Claim.*

You are hereby required to prove the claim sent in by you against the estate  
of A. B. deceased, by filing such affidavit as you may be advised in support  
thereof, and by giving notice thereof to me, on or before the day of  
next, and by attending at my office on the day of 18 , at  
o'clock in the noon, being the time appointed for adjudicating on the claim.

Dated this day of 18 .  
To .

Registrar.

210.

*Notice to Creditor of Allowance of Claim.*

The claim sent in by you against the estate of A. B. deceased has been  
allowed at the sum of , with interest thereon at per cent. per annum,  
from the day of 18 , and for costs.

[If part only allowed, add, If you claim to have a larger sum allowed, you  
are hereby required to prove such further claim, by filing such affidavit as you  
may be advised in support thereof, and by giving notice thereof to me on or  
before the day of next, and by attending at my office on the  
day of 18 , at o'clock in the noon.]

Dated this day of 18 .

Registrar.

## 211.

*Registrar's Certificate.*

In obedience to the order of this court made in the above action, I hereby certify that the result of the accounts and inquiries [or of the sale and apportionment] which have been taken and made in pursuance of the                      made in this dated the           day of           18 , is as follows:—

The plaintiffs and defendants have attended by themselves or by their respective solicitors.

*Notice of order.*

Notice of the said order of the           day of           18 , has been served upon           .

The persons so served include all the           now living and the personal representatives of such of them as are dead, except such as are parties to this action, and except           hereinafter named.

Service of notice of the said order upon the said           was dispensed with.

*Personal estate account.*

The defendant           the executor [or administrator] of           the testator [or intestate] named in the said           have received personal estate to the amount of £           , and they have paid or are entitled to be allowed on account thereof sums to the amount of £           , leaving a balance due from [or to] them of £           on that account.

*References to account.*

The particulars of the above receipts and payments appear in the account marked A. verified by the affidavit of the said defendant           filed the day of           and the account marked B. verified by the affidavit of           filed the           day of           , and which accounts are to be filed with this certificate.

*Variations from accounts.*

Except that in addition to the sums appearing in such account to have been received, the said defendant [or plaintiff] is [or are] charged with the following sums; (that is to say,) £           , and except that of the items of disbursement in the said account I have disallowed those numbered           , and I have deducted from the item numbered           the sum of £           and from the item numbered           the sum of £           and in addition to the disbursements appearing in such account the said defendant           ha paid and been allowed the sum of £           .

*Special allowances in accounts.*

The payments allowed to the said defendant [or plaintiff] in the said account include the sum of £           paid into court to the credit of this cause, on the           day of           18 .

*Reference to transcript of account.*

The before-mentioned account marked A. has been altered, and the account marked A. B., and which is also to be filed with the certificate, is a transcript of the said account marked A. as altered and passed. .

*No personal estate received.*

The defendant           the executor [or administrator] of the testator [or intestate] named in the said           have not, nor hath any or either of them, or any person or persons by their or any or either of their order, or for their or any or either of their use, received any part of the personal estate of the said testator [or intestate].

*Funeral expenses.*

The funeral expenses of the testator [or intestate], amounting to the sum of £           have been paid and are allowed the defendant [or plaintiff]           the executor [or administrator] of the said testator [or intestate] in the said account of personal estate [hereinafter mentioned].

*Debts.*

The debts of the testator [or intestate] including the plaintiff's, which have been allowed are set forth in the           schedule hereto, and, with the interest

thereon, and costs mentioned in the said schedule, are due to the plaintiff and the other persons named therein, and amount altogether to . . . No other person has been allowed, or come in and proved, any debt against the estate of the said testator [or intestate], and the time fixed by advertisement for that purpose has expired.

Such of the said debts as are specialty are set forth in the first part of the said schedule, and amount to £ . . . ; such as are simple contract are set forth in the second part of said schedule, and amount to £ . . .

*Interest on debts.*

The interest on such debts is computed down to the date of this certificate, and after the rate of £4 per centum per annum, from the . . . day of 18 . . . , the date of the said order, unless otherwise specified in the said schedule.

*Legacies and annuities.*

The legacies given by the testator, other than annuities, are set forth in the first part of the . . . schedule hereto, and, with the interest therein mentioned, remain due to the persons therein named, and amount altogether to £ . . .

The annuities given by the testator, with the arrears due thereon, are set forth in the second part of the said . . . schedule. Such arrears amount to £ . . .

*Interest on legacies.*

The interest on such legacies is computed down to the date of this certificate, and after the rate of £4 per centum per annum, from the . . . day of 18 . . . , the end of one year after the testator's death, unless otherwise specified in the said schedule.

The arrears of the annuities are computed to the date of this certificate, and from the testator's death, unless otherwise specified in the said schedule.

*Outstanding estate.*

The personal estate of the said testator [or intestate] [not specifically bequeathed] outstanding or undisposed of consists of the particulars set forth in the . . . schedule hereto.

*Real estate.*

The real estate which the said testator [or intestate] was seised of or entitled to consists of the particulars set forth in the . . . schedule hereto.

*Incumbrances on real estate.*

The incumbrances affecting the said testator's [or intestate's] real estate are specified in the . . . schedule hereto.

*Rents and profits account.*

The defendants [or plaintiff] . . . the trustee named in the said decretal order have received rents and profits of the testator's real estate . . . to the amount of £ . . . and they have paid or are entitled to be allowed on account thereof sums to the amount of £ . . . , leaving a balance due from [or to] them of £ . . . on that account.

*No rents and profits received.*

The defendants [or plaintiff] . . . the trustees named in the said order have not, nor hath any or either of them or any person or persons by their or any or either of their order, or for their or any or either of their use, received any sum or sums of money on account of the rents and profits of the testator's [or intestate's] real estate.

*Next of kin.*

The next of kin, according to the statutes for the distribution of the effects of intestates, of . . . the intestate named in the said . . . living at the time of his death were . . . of whom the said . . . have since died.

The legal personal representative . . . of the said

The legal personal representative . . . of the said

The legal personal representative . . . of the said

Dated this . . . day of . . .

Registrar.



## 212.

*Notice that Registrar's Certificate may be inspected.*

Take notice that the certificate of the result of the inquiries made and accounts taken by me under the order of this court, made on the       day of       in this action lies in my office and can be inspected by you up to and inclusive of the       day of       [here insert the day before the cause is to be further heard].  
To       Registrar.

## 213.

*Bond to be given by Receiver.*

Know all men by these presents, that we, A. B. of, &c., and C. D. of, &c., and E. F. of, &c., are jointly and severally held and firmly bound to G. H., registrar of the county court of       holden at       in       to be paid to the said G. H., or his certain attorney, executors, administrators or assigns. For which payment to be made we bind ourselves, and each and every of us, in the whole, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this       day of       one thousand eight hundred and       .

And whereas a plaint in equity has been entered in this court by A. B. against C. D. for the purpose of [here insert object of suit]:

And whereas the said A. B. has been appointed, by order of the above-mentioned court, to receive the rents and profits of the real [or freehold or copyhold or leasehold] estate [or estates] [and to get in the outstanding personal estate] of C. D., the testator in the said plaint named:

Now the condition of this obligation is such, that if the above-bounden A. B. do and shall duly account for all and every the sum and sums of money which he shall so receive on account of the rents and profits of the real estates, and in respect of the personal estate, of the said C. D. [or as may be] at such periods as the said court shall appoint, and do and shall duly pay the balances which shall from time to time be certified to be due from him as the said court hath directed or shall hereafter direct, then this obligation shall be void and of none effect, otherwise shall remain in full force and virtue.

A. B. (L.S.)

C. D. (L.S.)

Signed, sealed, and delivered by the above-bounden  
of       in the presence

NOTE.—If deposit of money be made the memorandum thereof should follow the terms of the condition of the bond, and will not require a stamp.

## 214.

*Warrant of Assistance.*

Whereas, according to the tenor and true meaning of an order, bearing date the       day of       18       , made in this action, the said defendant C. D. was ordered to deliver up possession to A. B. in the said order named of all that, &c. [as in order]: And whereas a copy of such order was duly served upon the said C. D., yet nevertheless he the said C. D., and other ill-disposed persons, his accomplices, have refused to pay obedience thereto, and detain and keep the possession of the said house [or tenement and premises]: These are, therefore, to authorize and require you to forthwith enter into and upon the said messuage [or tenement and premises], and that you do remove, eject, and

expel the said C. D., his tenants, servants, and accomplices, each and every of them, out of and from the said messuage [or tenement and premises], and every part and parcel thereof, and that you do place and put the said A. B. and his assigns into the full, peaceable, and quiet possession thereof, and defend and keep him and his said assigns in such peaceable and quiet possession when and as often as any interruption may or shall from time to time be given or offered to them or any of them, according to the true intent and meaning of the said order; and herein you are not in anywise to fail.

Given under the seal of the court, this       day of       18 .

By the court,

Registrar.

To the high bailiff of the said court,  
and others the bailiffs thereof.

## 215.

### *Warrant of Possession.*

Whereas on the       day of       18 , this court did order in this action that you, the high bailiff of this court, should [or that A. B. should] take possession of the goods and chattels of E. F. deceased, in the said action, and which at the date of the said order were in the possession of the defendant [and sell and convert the same into money or keep and hold the same to abide the further order of the court, as the case may be]:

These are therefore by virtue of the said order and the statute in such case made and provided to will and require, authorize and empower, you and every one of you to whom this warrant is directed forthwith to enter into and upon the house and houses of the said C. D. and also in all other place or places belonging to the said C. D. where any of the goods or chattels, part of the estate of the said E. F., deceased, are suspected to be; and there to seize all the goods and chattels whatsoever belonging to the estate of the said E. F., deceased.

And in case of resistance, or of not having the key or keys of any door or lock of any premises belonging to the said C. D., where any of the goods or chattels, part of the estate of the said E. F. are suspected to be, you shall break open or cause the same to be broken open, for the better execution of this warrant.

Given under the seal of the court this       day of       187 .

By the court,

Registrar.

To the high bailiff of the said court,  
and others the bailiffs thereof.

## 216.

### *Notice of Change of Solicitor.*

To the registrar of the court.

Take notice that I, A. B. [or C. D.], have hitherto employed as my solicitor G. H. of       in the above-mentioned action, but that I have ceased to employ him, and that my present solicitor is I. K. of       .

Order  
XXXVII.

A. B. [or C. D.]

## 217.

### *Order of Payment of Legacy into High Court of Justice.*

Whereas it has been found by this court by its decree of the       day of       in this suit [or matter] that K. L. of       is entitled to the sum of

and whereas the said K. L. is an infant [*or absent beyond seas*], and it appearing to the court that it is desirable that, under the power given to it by the fifth section of the act of parliament passed in the twenty-eighth and twenty-ninth years of her Majesty's reign, chapter ninety-nine, C. D., the defendant in this suit [*or matter, as the case may be*], should be ordered to pay such sum of money to the paymaster-general of the Chancery Division of the High Court of Justice, in accordance with the provisions of section thirty-two of an act passed in the session of parliament held in the thirty-sixth year of the reign of his Majesty King George the Third, chapter fifty-two, it is ordered that the said                   do pay the same accordingly, and do within                   days produce to the registrar of this court the certificate of the said paymaster-general of the payment to him of such money.

By the court,

Registrar.

---

[*Endorsement on last Order.*]

*N.B.*—Your attention is drawn to the following provisions of the act 36 Geo. 3, c. 52, and to the rule of this court.

Any legacy or sum of money to which any person who is an infant or absent beyond seas may be found or declared entitled by any county court in any suit or matter under this act may be ordered by the court to be paid to the accountant-general of the Court of Chancery, in accordance with the provisions of section thirty-two of an act passed in the session of parliament held in the thirty-sixth year of the reign of his Majesty King George the Third, chapter fifty-two; and the person ordered to pay the same shall, within such time as the court shall direct, produce to the registrar of the court the certificate of the accountant-general of the payment of such money; and if default be made in such payment the judge may direct a warrant of execution to issue to the high bailiff of the court, who by such warrant shall be empowered to levy or cause to be levied by distress and sale of the goods and chattels of such person a sum of money equal in amount to the sum which he was ordered to pay to the said accountant-general, and to the costs incurred by reason of such default, and the sum so levied shall be paid to and be receivable by the said accountant-general under the direction of the court.

*Rule of Court.*—Where default shall be made in the production of the certificate of the accountant-general the registrar shall give notice in writing to the judge of the fact of such default, and the judge may thereupon direct a warrant of execution to issue in accordance with section 5 of the act.

---

218.

*Order of Transfer of Suit or Matter to High Court of Justice.*

Whereas it appearing that the subject-matter of this suit exceeds in amount the sum of 500*l.*, it is ordered that this suit [*or matter*] be transferred to the

Division of the High Court of Justice, together with the annexed certificate of the registrar of this court, showing the state of the suit [*or matter*] and the proceedings that have been had therein in this court.

By the court,

Registrar.

---

219.

*Order in the Nature of an Injunction.*

The plaintiff undertaking [by his counsel or solicitor] to abide by any order this court may make as to damages, in case this court shall hereafter be of

opinion that the defendant shall have sustained any, by reason of this order, which the plaintiff ought to pay: Now, therefore, C. D., the defendant in this cause, his servants, agents, and workmen, are hereby strictly enjoined and restrained from pulling down or suffering to be pulled down the house being Number 16, Blank Street, Islington, in the county of Middlesex, and from selling the materials whereof the said house is composed [or from entering into any contract or contracts, and from accepting, drawing, indorsing, or negotiating any bills or bill of exchange, notes or note, or written securities or security, in the name of the partnership firm of , and from contracting any debts or debt, and buying and selling any goods, and from making or entering into any verbal or written promise, agreement, or undertaking, and from doing or causing to be done any acts or act in the name or on the credit of the said partnership firm, or whereby the said partnership firm can or may in any manner become or be made liable to or for the payment of any sums or sum of money, or for the performance of any contract, promise, or undertaking, or, as the case may be], until the day after the day upon which the cause shall be heard, or until further order [or until the day of , upon which day this court will consider whether this order shall be further continued].

Dated this       day of       .

J. S., judge.

If you the said C. D., [your servants, agents, or workmen,] act in disobedience to this order, you the said C. D. will be liable to be committed by this court and also be liable to have your estate sequestered.

## 220.

### *Notice of Application for Committal.*

Take notice that the plaintiff A. B. will on the       day of       18 apply to this court for an order for your committal to prison for having disobeyed the order of this court made on the       day of       18 enjoining and restraining you [or for having neglected to obey the order made on the       day of       18 requiring you] [*here set out the mandatory part of the order*]: and further take notice that you are hereby required to attend the court on the first-mentioned day to show cause why an order for your committal should not be made.

Dated this       day of       18 .

E. F., registrar.

To C. D., the defendant.

## 221.

### *Order of Committal for Breach of an Order in the Nature of an Injunction.*

Whereas by an order of this court, dated the       day of       18 [*here recite the order*]: Now, upon the application of the plaintiff, and upon hearing the defendant [or if the defendant does not appear, reading the affidavit of X. Y., or where service has been by bailiff, of L. M., a bailiff of this court, or the county court of       holden at       , showing, or being satisfied on oath, that a copy of the said order and notice of this application have been severally served upon the defendant C. D.], and upon reading the affidavit of, &c. [*enter evidence*], the court being of opinion, upon consideration of the facts disclosed by the said affidavit [or affidavits], that the said defendant C. D. has been guilty of a contempt of this court by a breach of the said order, doth order that the said defendant C. D. do stand committed to [*here insert prison used by the court*] for his said contempt.

D.C.C.

8

222.

*Order of Committal for Neglect to obey Order.*

Whereas by an order of this court, dated the       day of       18 [*here recite the order*]: Now, upon the application of the plaintiff, and upon hearing the defendant, [*or if the defendant does not appear, reading the affidavit of X. Y., or, where service has been by bailiff, the indorsement of L. M., a bailiff of this court, or the county court of       holden at       showing, or being satisfied on oath, that a copy of the said order and notice of this application have been severally served upon the defendant C. D.,*] and upon reading the affidavit of, &c. [*enter evidence*], the court being of opinion, upon consideration of the facts disclosed by the said affidavit [*or affidavits*], that the said defendant C. D. has been guilty of a contempt of this court by neglecting to obey the said order, doth order that the said defendant C. D. do stand committed to [*here insert prison used by the court*] for his said contempt.

223.

*Warrant of Committal.*

To the high bailiff and others the bailiffs of the said court and all peace officers within the jurisdiction of the said court, and to the governor or keeper of the [*here insert prison used by the court*].

Whereas by an order bearing date the       day of       it was ordered that the defendant C. D. should stand committed to prison for contempt of this court:

These are therefore to require you forthwith to arrest and apprehend the defendant C. D., and him safely convey and deliver to the governor or keeper of the [*prison used by this court*], and you, the said governor or keeper, to receive the defendant C. D. until further orders of this court.

Dated this       day of       18 .

E. F., registrar of the court.

224.

*Notice of Application for Discharge from Custody.*

Take notice that I intend on the       day of       18 , to apply to this court [*or the registrar of this court*] to discharge me from custody, I being desirous of clearing my contempt.

Dated this       day of       18 .

C. D., defendant.

To A. B., plaintiff.

225.

*Order of Discharge from Custody.*

Upon application made this       day of       by       for the defendant, who was committed to prison for contempt, by order of this court dated the       day of       18 , and upon reading the affidavit of the defendant, filed the       day of       18 , showing that he is desirous of clearing his contempt, and upon hearing       the plaintiff [*or if no one appears for plaintiff, then upon being satisfied that notice of this application has been duly served upon the plaintiff*], this court [*or I, the undersigned registrar of this court,*] do hereby order that the said defendant be discharged out of the

custody of the governor [or keeper] of [*here insert name of prison*] as to the said contempt, but not as to the costs of the said contempt.

Dated this       day of       18       .

E. F., registrar of the court.

226.

*Affidavit, under 30 & 31 Vict. c. 142, s. 24.*

In the county court of       holden at

In the matter of "The County Courts Act, 1867," and of [*add the title of the particular trust*, as "the trusts of a certain indenture of mortgage, dated the       day of       , and made between A. B. and C. D."]

I, C. D. of [*address and description*], make oath and say as follows:—

1. *State place for service*, as—My house being       is the place where I am to be served with any notice or application relating to the trust fund hereinafter mentioned.

2. *State the amount of money or stock proposed to be paid, or transferred, or security deposited in trust to attend the orders of the court*, as Under the provisions of the said act, I desire to pay into the Post Office Savings Bank the sum of       hereinafter mentioned.

3. *Set out a short description of the trust and of the instrument creating it*, as By the indenture before mentioned a certain messuage situate at       , with the appurtenances, was mortgaged by the said A. B. to me, my heirs and assigns, for securing to me the repayment on the       day of       18       , of the sum of £       , with interest for the same at the rate of £       per cent. per annum, and the said indenture contained a power of sale in case of default in payment, and it was by the said indenture declared that the moneys to arise from any such sale should, after retaining thereout the expenses of executing the said power, and the said principal money and interest, be paid to the said A. B., his heirs or assigns.

The said A. B. died on or about the       day of       and by his will, dated the       day of       , appointed E. F. of\*, executor thereof, and devised the said hereditaments, subject to the said mortgage, unto G. H. of\*, and J. K. of\*, in trust for the said E. F., for his life, and after his death upon certain trusts for sale, and for the division of the proceeds amongst the following persons, namely, the testator's son M. N. of\*, and his children or child, and the testator's daughter O., the wife of P. Q. of\*, and her children or child.

The said E. F. proved the said will in [*state in what court*], and is still living.

The said G. H. never acted in the trusts of the said will, &c.

On or about the       day of       , I sold the said hereditaments, by public auction, to X. Y. of [*address and description*], at the price of £       .

After retaining out of the said £       the costs of sale, and the sum of       , being the total amount of principal moneys and interest due upon the said mortgage, and the sum of £       , being the costs of paying the fund into court, a balance of £       now remains in my hands, and the sum of £       , which I desire to pay into the Post Office Savings Bank, in trust to attend the orders of this court, is the said balance of £       .

4. *State the names of the persons interested in, or entitled to, the fund, to the best of the trustee's knowledge or belief*, as—

To the best of my knowledge and belief, the said G. H. and J. K., as such trustees as aforesaid, and the said E. F., M. N. and his children or child [*stating, if known, their names*], and O. P. and her children or child [*stating, if known, their names*], are the only persons interested in the said fund.

5. *Add submission to answer inquiries*, as—

I submit to answer all such inquiries relating to the application of the said fund of £       as the court may think proper to make or direct.

Sworn at, &c.

\*Here insert present address and description. If the address of any person interested be unknown to the trustee, this fact must be set forth in the affidavit.

## 227.

*Petition by Person interested in Funds in Court.*

In the matter of "The County Courts Act, 1867," and  
 In the matter of an affidavit by E. F. of                      and G. H. of                      filed the  
 day of                      187                     

[*State shortly the nature of the trust, as, e.g.:—*]

Showeth

1. That C. D., of                      , by his will dated the                      day of                      , bequeathed to the said E. F. and G. H., his trustees named therein, all his residuary personal estate, on trust to pay the dividends and income thereof to his wife for her life, and after her death to divide the said trust funds among his children equally.

2. That the said E. F. and G. H. on the                      day of                      187                      paid into this court the £                      , being, as they allege, the balance of the said trust funds remaining in their hands at that date.

3. That your petitioner claims, as one of the children of the above-named C. D., to be entitled to one-fourth share of the said trust funds.

4. That the said E. F. and G. H. have credited themselves with certain payments which they were not authorized to make.

Your petitioner prays

1. That the accounts of the said E. F. and G. H., as such trustees as aforesaid, may be taken by this court.

2. That the requisite directions may be given for ascertaining the share of your petitioner in the said trust funds and paying the same to him.

3. That the said E. F. and G. H. may be ordered to pay the costs of this petition.

[*or* 1. That under the will of C. D., late of                      deceased, your petitioner is entitled for his own benefit for his life to the income of the funds paid into court in this matter by E. F. and G. H.; your petitioner therefore prays

1. That such income may be to be paid to him for his life.]

*Where the application is for the income for life only of the trust funds, the persons interested or claiming to be interested in the capital need not be served with the application, unless the court should otherwise direct.*

## 228.

*Certificate in case of Money.*

In the matter of the [*trusts of*                      ].

I hereby certify, that [*state name, address, and description of party making the application*] has this day filed with me, the registrar of this court, an affidavit entitled as above mentioned, with reference to a trust fund or sum of                      therein mentioned, which sum, as therein stated, he desires to pay into my name as such registrar as aforesaid into a Post Office Savings Bank, as provided by the above act.

## 229.

*Certificate in case of Transfer of Stock.*

In the county court of                      holden at                      .

(*Seal.*)

In the matter of this

I hereby certify, that [*state name, address, and description of party making application*] has this day filed with me, the registrar of this court, an affidavit entitled as above mentioned, with reference to a trust fund of

£      Bank £3 per Cent. Consolidated Annuities in the books of the governor and company of the Bank of England, which, as therein stated, he desires to transfer into the names of the treasurer and of the registrar of this court [or the superintendent, &c.], as provided by the above act.

Dated this      day of      18      .

\_\_\_\_\_  
Registrar of the court.

230.

*Acknowledgment of filing of Receipt or Transfer Ticket.*

In the county court of      holden at      .

(Seal.)

In the matter of this

I hereby acknowledge, that [state the name, address, and description of the party giving to the registrar the receipt of the Post Office Savings Bank, in the case of money, or the transfer ticket in the case of stock.] has this day delivered to me, the registrar of the court, a receipt dated [name of officer of the Post Office Savings Bank], for the sum of £      , stating that [state receipt] [or, a transfer ticket of the governor and company of the Bank of England], stating that [state as in ticket].

\_\_\_\_\_  
Registrar of the court.

231.

*Certificate of Deposit of Security.*

In the county court of

holden at      .

(Seal.)

In the matter of this

I hereby certify that [state the name, address, and description of the party depositing with the registrar the security], has this day deposited with me, the registrar of this court, in the name of myself and the treasurer [here state the nature of the security deposited].

\_\_\_\_\_  
Registrar of the court.

232.

*Notice of Payment into Post Office Savings Bank or of Transfer of Stock or Deposit of Security.*

In the county court of

holden at      .

No.

(Seal.)

In the matter of this

Take notice that on the      day of      [state name, address, and description of party who has paid in the money] under the said act paid into the Post office Savings Bank at      in the name of me, the registrar of this court, the sum of £      , and in his affidavit filed in this court on the      day of      shortly described the instrument creating the trust, and stated the names of the persons interested in or entitled to the fund, to the best of his knowledge and belief, as follows; that is to say [state from the affidavit the paragraph containing the names of the persons interested or entitled] [or, "transferred into the names of      of      , and of me, the registrar of this court, in the books of the governor and company of the Bank of England, the sum of £      Bank £3 per Cent. Consolidated Annuities, in trust to attend the orders of this court, or deposited with me in the names of      and of me, the registrar of this court, in trust to attend the orders of this court [here describe security]."]



And further, take notice, that any person interested in or entitled to the said fund may apply to this court respecting the investment, payment out, or distribution of the fund, or of the income thereof, according to the practice of the court.

Registrar of the court.

233.

*Notice to Treasurer.*

In the county court of

holden at

No.

(Seal.)

In the matter of this

Take notice that on the      day of      [state name, address, and description of party who has deposited the security] under the said act deposited with the registrar of this court, in the names of yourself and myself, in trust to attend the orders of this court [here describe security].

Registrar of the court.

To E. F., treasurer,

[or as the case may be.]

234.

*Letter to Commissioners of Treasury as to drawing out Money.*

(Seal.)

County court office,

MY LORDS,

I have the honour to request that an authority may be addressed to the postmaster-general to allow me to draw out of the Post Office Savings Bank the sum of £      [here insert the sum desired to be drawn out, adding, where the sum is not to pay interest] being the sum I am directed to draw out by order of court, dated the      day of      18      .

I am, my Lords,

your obedient servant,

registrar of the county court

of

holden at

235.

*Judgment Summons on Order or Judgment of a Court other than a County Court.*

"The Debtors Act, 1869."

In the [title of court issuing summons].

No. of judgment summons.

Between A. B., plaintiff,

[address, description,]

and

C. D., defendant,

[present address, description, and if known, place of employment.]

Whereas the plaintiff obtained a judgment [or order] against the defendant in the      division of her Majesty's high court of justice on the      day of      , for the sum of £      , and there is now due and payable upon the said judgment the sum of £      ]:

You are therefore hereby summoned to appear personally in this court at [place where court holden] on the day of 187 , at the hour of in the to be examined on oath by the court touching the means you have or have had since the date of the judgment [or order] to pay the said sum, in payment of which you have made default; and also to show cause why you should not be committed to prison for such default.

Dated this day of 187 .

Registrar of the court.

£ s. d.

Amount of judgment or order remaining due .. ..

Costs of this summons .. ..

Total sum due .. ..

### 236.

#### *Affidavit where Judgment Summons is sought on an order of a Court not a County Court.*

“The Debtors Act, 1869.”

In the county court of holden at  
In the matter of a judgment [or order, or decree] of the division of  
the high court of justice [or as the case may be].

A. B., plaintiff,  
[address, description],  
and

C. D., defendant,  
[address, description].

I, A. B., the above-mentioned plaintiff, make oath and say:

1. That on the day of 18 , I obtained a judgment [or order] in [here set forth the style of the court in which judgment, decree, or order obtained] against C. D., the above-named defendant, for the payment of the sum of

2. That there is still due on the said judgment [or order] the sum of .

Sworn at

&c.

A. B.

### 237.

#### *Order of Commitment on an Order or Judgment of a Court other than a County Court.*

“The Debtors Act, 1869.”

In the [title of court ordering committal].

No. of plaint.

No. of judgment summons.

No. of order.

Between A. B., plaintiff,  
and

C. D., defendant.

To the high bailiff and others the bailiffs of the said court and all peace officers within the jurisdiction of the said court, to the governor or keeper of the [prison used by the court].

Whereas the plaintiff obtained a judgment [or order] against the defendant in the division of her Majesty's high court of justice [or as the case may be] on the day of , for the sum of £ , and there is now due and payable upon the said judgment the sum of :

And whereas a summons was, at the instance of the plaintiff, duly issued out of this court, by which the defendant was required to appear personally at this court on the       day of       187 , to be examined on oath touching the means he had then or had had since the date of the judgment [*or order*] to pay the said sum, which summons was proved to this court to have been personally and duly served on the defendant:

And whereas, at the hearing of the said summons, it has now been proved to the satisfaction of the court that the defendant now has [*or has had*] since the date of the judgment [*or order*], the means to pay the sum in respect of which he made default as aforesaid, and has refused [*or neglected*], [*or then refused or neglected*] to pay the same.

Now, therefore, it is ordered, that the defendant shall be committed to prison for       days, unless he shall sooner pay the sums, in payment of which he has so made default, together with the prescribed costs hereinafter mentioned, or shall file such affidavit as is mentioned in Order XIX., Rule 20, of "The County Court Rules, 1875."

These are, therefore, to require you the said high bailiff, bailiffs, and others, to take the defendant, and to deliver him to the governor or keeper of the [*prison used by the court*], and you the said governor or keeper to receive the defendant, and him safely keep in the said prison for       days from the arrest under this order, or until he shall be sooner discharged by due course of law.

Given under the seal of       this [*insert date of order*] day of  
187 .

E. F.,  
Registrar of the court.

£   s.   d.

Amount of judgment or order remaining due       ..

Costs of judgment summons and poundage on this order       ..

Amount upon the payment of which the prisoner is to  
be discharged..       ..       ..       ..       ..

This order *remains in force one year* from the date hereof.

238.

### *Affidavit.*

"The Debtors Act, 1869."

In the county court of       holden at       .

Between A. B., plaintiff,

and

C. D., defendant.

I, C. D., of       make oath and say,—

1. That under "The Debtors Act, 1869," an order for my committal was made by the above court [*or the county court of       holden at*], for making default in payment of £       , due from me in pursuance of an order [*or judgment*] of the [*here insert the court in which order or judgment was given*].

2. That on the       day of       18       , I was adjudicated a bankrupt by the [*here insert the court by which adjudication was made*].

3. That the order of adjudication was published in the London Gazette on the       day of       18       .

4. That the debt, in respect of which the above order [*or judgment*] was given, was provable under the bankruptcy.

[*or*

2. That my affairs are in course of liquidation [*or have been liquidated*] by

arrangement under section 125 of "The Bankruptcy Act, 1869," and that the debt in respect of which the above order [*or judgment*] was given was included in the statement produced to the meeting.

*or 2.* That I have entered into a composition with my creditors under the provisions of section 125 of "The Bankruptcy Act, 1869," and that the debt in respect of which the above order [*or judgment*] was given was inserted in the statement produced to the meetings of my creditors.

*3.* That the special resolution mentioned in section 125 of "The Bankruptcy Act, 1869," [*or the extraordinary resolution mentioned in section 126 of "The Bankruptcy Act, 1869"*], was filed in the [*here insert name of court*] on the       day of       ].

Sworn at

C. D.

239.

*Certificate by Registrar of Bankruptcy of Judgment Debtor.*

"The Debtors Act, 1869."

In the county court of       holden at  
Between A. B., plaintiff,  
and

C. D., defendant.

I hereby certify that the defendant who was committed to your custody by virtue of an order of commitment under the seal of this court [*or the county court of       holden at       ], bearing date the       day of 187       , has filed an affidavit in this court, stating that he is a bankrupt [*or has had his affairs liquidated by arrangement, or has entered into a composition with his creditors*]; and that the defendant may, in respect of such order, be forthwith discharged out of your custody.*

Given under the seal of the court this       day of       187       .  
Registrar.

To the governor or keeper.

240.

*Notice to a Respondent under "The Agricultural Holdings (England) Act, 1875."*

In the county court of       holden at  
"The Agricultural Holdings (England) Act, 1875."  
Between A. B., appellant,  
and

C. D., respondent.

Take notice that you are required within eight days of the delivery of this notice to you, to file in court a statement, signed by you or your solicitor, in reply to the grounds of appeal sent herewith, and that your statement must disclose the following matters:—

Order  
XXXIV.  
Rule 3.

- (1) Whether you dispute the validity in law of all or any and which of the grounds of objection to the award:
- (2) Whether you dispute the truth in fact of all or any and which of the grounds of appeal:
- (3) Whether you admit the validity in law and truth in fact of all or any and which of the grounds of appeal:
- (4) Whether you pray that the case may be remitted to be re-heard:
- (5) Your name and address, and that of your solicitor, if the statement be delivered through a solicitor.

Dated this       of       187       .

Registrar of the court.

To the above-named respondent.

In the county court of                    holden at                    .  
In the matter of the County Courts Acts, and                    .  
In the matter of "The Agricultural Holdings (England) Act, 1875," and                    .  
In the matter of an appeal by A. B.                    .  
The                    day of                    187                    .

It is ordered that [state order, e. g.:—] the said A. B. and C. D. do within fourteen days of the date of this order pay to the said A. B. the sum of £ and £ for costs, and in default of such payments at the time aforesaid the said A. B. may proceed to execution.

In the county court of                holden at                .  
Between A. B. plaintiff,  
and  
C. D. defendant.

(Seal.)

(Signed, when not taken orally) C. D. defendant.  
F. F. } Sureties.  
G. H. }

NOTE.—Where the undertaking is given orally, strike out the words "undersigned" where they occur, and insert the word "orally" after "taken."

**243.**

### Admiralty Jurisdiction.

Dated the            day of            18

[To be signed by the party, his solicitor,  
or his clerk for him.]

**244.**

### Admiralty Jurisdiction.

Dated this            day of            18

[To be signed by the party, his solicitor,  
or his clerk for him.]

**245.**

### Admiralty Jurisdiction.

In the county court of \_\_\_\_\_ holden at \_\_\_\_\_

(Seal.)

Whereas an action for [state the nature of the action] has been instituted (value) in this court, on behalf of A. B. of \_\_\_\_\_, against the owner or owners unknown of the [state description of the vessel], called the [name of vessel], (whereof C. D. is now or lately was master), [where action is against owner or owners unknown of vessel and freight add, and the freight due for the transportation of the cargo now or lately laden therein; or where the action is against the owner or owners unknown of vessel, cargo, and freight, add instead thereof, and the cargo now or lately laden therein, together with the freight due for the transportation thereof], in the sum of [state sum in letters] pounds.

You are hereby summoned to enter an appearance in the said action within four clear days of the service hereof.

You are also warned that if you do not enter an appearance as aforesaid, the judge of this court will proceed to hear and determine the said action, or to make such orders therein as to him shall seem fit.

Dated this            day of            18    .

Registrar of the court.

To the owner or owners of the [*state description and name of vessel*], and all persons who have or claim to have any right, title, or interest in the said vessel.

N.B.—The solicitor for A. B. is            of [*here state the address given in the præcipe*].

246.

### *Summons.*

Admiralty Jurisdiction.

In the county court of            holden at

A. B., plaintiff [*address and description*].

C. D., defendant [*address and description*].

(*Seal.*)

Whereas an action for [*state nature of suit*] has been instituted in this court on behalf of the plaintiff against you in the sum of [*state sum in letters*] pounds.

You are hereby summoned to enter an appearance in the said action within four clear days of the service hereof.

You are also warned that if you do not enter an appearance as aforesaid, the judge of this court will proceed to hear and determine the said action, or to make such orders therein as to him shall seem fit.

Dated and sealed this            day of            18    .

Registrar of the court.

To the defendant

N.B.—The solicitor for the plaintiff is            of [*here state the address given in the præcipe*].

247.

### *Warrant of Arrest and Detention.*

Admiralty Jurisdiction.

In the county court of            holden at            .

(*Seal.*)

[*Title of Action.*]

Whereas an action has been instituted in this court on behalf of A. B. of            , against the owner or owners of [*state description and name of vessel or property*] in the sum of [*state sum in letters*] pounds. These are therefore to require and order you to arrest the said            and to keep the same under safe arrest until you shall receive further orders from this court.

Given under the seal of the court this            day of            18    .

By the court.

Registrar of the court.

To the high bailiff of the said court  
and others the bailiffs thereof.

248.

*Bail Bond.*

Admiralty Jurisdiction.

In the county court of      holden at  
    [Title of Action.]

Whereas an action for      has been instituted in this court on behalf of  
 A. B., of      , against     

Now therefore we [state names, addresses, and description of sureties]  
 jointly and severally submit ourselves to the jurisdiction of the said court, and  
 consent that if he [or they] the said      shall not pay what may be adjudged  
 against him [or them] in the said action, with costs, execution may issue forth  
 against us, our heirs, executors and administrators, our goods and chattels, for  
 a sum not exceeding [state sum in letters] pounds.

[Signatures of sureties.]

The bail bond was signed by the said      , and      the sureties, the  
 day of      18      .

Before me,  
 Registrar of the court,  
 or one of his clerks.

249.

*Order of Release.*

Admiralty Jurisdiction.

In the county court of      holden at  
    [Title of Action.]      (Seal.)

You are hereby authorized and directed to release the      now under  
 arrest of this court by virtue of its warrant, upon the payment of all costs,  
 charges, and expenses attending the custody thereof.

Given under the seal of the court, this      of      18      .

By the court.

Registrar of the court.

To the high bailiff of the said court  
 and others the bailiffs thereof.

250.

*Præcipe to enter an Appearance.*

Admiralty Jurisdiction.

In the county court of      holden at  
    [Title of Action.]

I, R. S., solicitor, hereby enter an appearance on behalf [state name,  
 address, and description of party] in the action for [state nature of action]  
 which has been instituted in this court on behalf of [state name, address, and  
 description of plaintiff] against [state against whom the action is instituted].  
 And I consent that all instruments and documents in the action may be  
 left for me at [state address].

Dated the      day of      18      .

[To be signed by the defendant, his  
 solicitor, or his clerk for him.]



251.

*Notice of Hearing.*

Admiralty Jurisdiction.

In the county court of                    holden at                    .

[*Title of Action.*]                    (Seal.)

Take notice that this action will be heard at a court to be holden on the  
 day of                    at [*here state where court is to be held*], at the hour of  
 o'clock in the                    noon.

Dated and sealed this                    day of                    18 .

Registrar of the court.

To the plaintiff and defendant.

252.

*Order of Transfer to High Court of Justice.*

Admiralty Jurisdiction.

In the county court of                    holden at                    .

[*Title of Action.*]                    (Seal.)

Whereas it appears that the subject of this action exceeds the limit in  
 respect of amount of the admiralty jurisdiction of this court [*or state other-*  
*wise as the case may be*], it is ordered that this suit be transferred to the  
 probate, divorce and admiralty division of the high court of justice, together  
 with the proceedings that have been had therein in this court.

Given under the seal of the court this                    day of                    18 .

By the court.

Registrar of the court.

253.

*Order of Transfer to County Court or the High Court of Justice.*

Admiralty Jurisdiction.

In the county court of                    holden at                    .

[*Title of Action.*]                    (Seal.)

Whereas it hath been made to appear that the action could be more con-  
 veniently prosecuted in the county court of                    holden at                    , appointed  
 to have admiralty jurisdiction [*or in the high court of justice*], it is ordered  
 that this action be transferred to the said court, together with the proceedings  
 that have been had therein in this court.

Given under the seal of the court this                    day of                    187 .

By the court.

Registrar of the court.

254.

*Judgment or Order.*

Admiralty Jurisdiction.

In the county court of                    holden at                    .

[*Title of Action.*]                    (Seal.)

It is this day adjudged that the plaintiff, A. B., of                    do recover against  
 the defendant [*or defendants*] C. D., of                    , the sum of                    pounds [*in*  
*an action for salvage, for services rendered to the above vessel; or in an*  
*action for towage, for services rendered in towing the said vessel; or in an*

*action for necessaries, for necessaries supplied to the said vessel; or in an action for wages, for wages in respect of services rendered on board the said vessel; or in an action for damage to cargo, for damage caused to the cargo carried in the said vessel; or in an action for damage by collision, for damage caused to the said vessel by the defendant's vessel the [the description and name of the vessel which caused the damage]], together with the costs of this action.*

And it is ordered that the defendant [*or defendants*] do pay the same to the plaintiff or his solicitor within        days, [*add where the name of the defendant is known*], and that in default thereof the registrar shall upon the application of the plaintiff or his solicitor issue a warrant of execution against the vessel or property of the defendant].

Given under the seal of this court this        day of        18 .

By the court.

Registrar of the court.

## 255.

### *Præcipe for a Warrant of Execution.*

Admiralty Jurisdiction.

(*Seal.*)

In the county court of        holden at        .

[*Title of Action.*]

I, S. R., solicitor, do require a warrant of execution to issue against the goods of C. D., of        , who was ordered by this court, on the        day of        18 , to pay to the plaintiff, or myself, as his solicitor, the sum of        pounds for [*here insert for what the sum was ordered to be paid*], and who has not paid the said sum as so ordered.

Dated the        day of        18 .

[*Signature of solicitor.*]

## 256.

### *Warrant of Execution against the Vessel or Property of Defendant.*

Admiralty Jurisdiction.

In the county of        holden at        .

(*Seal.*)

[*Title of Action.*]

Whereas on the        day of        18 , the plaintiff obtained a judgment in this court against the defendant for the sum of £        for        and costs: and it was thereupon ordered by the court that the defendant should pay the same to the plaintiff on the        day of        .

And whereas default has been made in payment according to the said order. These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the defendant, whosoever they may be found within the district of this court (except the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant, being the amount due to the plaintiff under the said order, including the costs of this execution; and also to seize and take any money or bank notes (whether of the bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the defendant which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the registrar of this court, and make

return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the court this            day of            18 .  
By the court.

Registrar of the court.

To the high bailiff of the said court,  
and others the bailiffs thereof.

257.

*Order for Transfer of Sale to High Court of Justice.*

In the county court of            Admiralty Jurisdiction.  
holden at            .

(Seal.)

[*Title of Action.*]

Whereas in an action instituted in this court on behalf of A. B. of against [*state name of defendant*] the judge of this court has ordered [*here insert the terms of the decree or order*]. And whereas the plaintiff [*or defendant*] in the said suit is desirous that the sale of the vessel should be conducted in the probate, divorce and admiralty division of the high court of justice, and has given security for the sum of ten pounds. Now I, A. B., solicitor, pray that an order to transfer the proceedings for sale to the said division of the high court of justice do issue.

Dated the            day of            18 .

Signature of solicitor.

I hereby certify that the security above mentioned has been duly completed.

Registrar of the court.

I hereby order the transfer to be made as prayed.

Judge of the court.

258.

*Præcipe for paying in Money.*

Admiralty Jurisdiction.

[*Title of Action.*]

In the county court of            holden at            .

I, A. B., of            do pay the sum of [*state sum in letters*] pounds into court in this action at the request and by the authority of            , he having agreed to pay [*or tender*] the same in settlement of the claim of the plaintiff [*or as the case may be*].

Dated the            day of            18 .

[*To be signed by the party, his solicitor,  
or his clerk for him.*]

259.

*Summons to Assessors.*

Admiralty Jurisdiction.

(Seal.)

In the county court of            holden at            .

[*Title of Action.*]

You are hereby summoned to appear and serve as an assessor in this court at the            on the            day of            18 , at the hour of            in the            noon, to assist the judge of this court in the hearing and determining of this suit,

Dated this            day of            18 .

**Registrar of the court.**

To  
of

**260.**

### Admiralty Jurisdiction.

In the county court of                      holden at

(Seal.)

[Title of Action.]

Whereas [Name of Assessor] was duly summoned to appear and serve as an assessor at a court holden at [Name of Court] on the [Day] day of [Month] 18 [Year], and whereas he has neglected without sufficient cause shown, to appear and serve as required: It is hereby ordered that he shall forthwith [or on the [Day] day of [Month] 18 [Year]] pay to the registrar of this court a fine of £ [Amount] for such neglect.

Given under the seal of the court this                      day of                      18                      .

**By the court,**

**Registrar of the court.**

261.

*Pro formâ.*

Date.			
Day.	Month.	Year.	
10	Feb.	1869	Action for damage by collision, instituted on behalf of <i>A. B.</i> , of _____ against the owner or owners, unknown, of a schooner named "The Kate," lying at _____ within the district of the court, in the sum of 200 <i>l</i> .
10	Feb.	1869	Solicitor for the plaintiff, <i>Mr. L. M.</i> , of _____ Application made for arrest; affidavit filed; warrant issued, the evidence being satisfactory.
11	Feb.	1869	Application for judge's permission for suit to be heard at _____
13	Feb.	1869	Permission granted.
15	Feb.	1869	Appearance entered by <i>C. D.</i> , of _____ solicitor for defendant, <i>R. S.</i> , of _____
18	Feb.	1869	The action having been heard the court decreed that [ <i>here set forth the decree</i> ]. <i>If any further proceedings had, they should be entered in the same manner.</i>

## ALLOWANCES TO WITNESSES.

---

	£	s.	d.		£	s.	d.
Gentlemen, merchants, bankers, and professional men, <i>per diem</i> .. .. .	0	15	0	to	1	1	0
Tradesmen, auctioneers, accountants, clerks, and yeomen, <i>per diem</i> .. .. .	0	7	6	to	0	15	0
Artisans and journeymen, <i>per diem</i> .. .. .	0	4	0	to	0	7	6
Labourers, and the like, <i>per diem</i> .. .. .	0	3	0	to	0	4	0
Travelling expenses, sum reasonably paid, but not more than sixpence per mile, one way.							

If the witnesses attend in more than one cause, they will be entitled to a proportionate part in each cause only.

NOTE.—*It is considered to be unnecessary to give any rules with respect to taking acknowledgments of married women, as it is the duty of the solicitor employed to prepare the certificate and affidavit, and swear to the latter; and the course to be followed by the judge is laid down in the act 3 & 4 W. 4, c. 74. The only duty for the registrar to perform, beside that of swearing the solicitor to the affidavit, is that of putting his initials against all ALTERATIONS, INTERLINEATIONS, or ERASURES either in the CERTIFICATE or AFFIDAVIT.*

**A SCALE of COSTS and CHARGES to be paid to SOLICITORS in  
ACTIONS under £20,**

As well between Party and Party as between Solicitor and Client,  
on and after the 2nd of November, 1875.

**I.—In actions where the amount recovered exceeds 40s. and does  
not exceed 5l. s. d.**

- |   |      |
|---|------|
| (1.) Instructions for and preparing particulars for an ordinary summons (such particulars to be signed by the solicitor), and attending and entering plaint .. .. . | 3 0  |
| (2.) Attending or acting in court (9 & 10 Vict. c. 95, s. 91) ..  | 10 0 |

*For a default summons instead of item one.*

- |  |     |
|--|-----|
| (3.) Preparing affidavit, swearing and filing, including notice of mode in which payment will be accepted .. .. .                                      | 5 0 |
| (4.) Copy and service of summons, if served by plaintiff's solicitor, or his clerk, within two miles of the place of business of the solicitor .. .. . | 5 0 |
| If beyond that distance, additional for every mile but not to exceed ten miles .. .. .   | 0 6 |
| (5.) Affidavit of service with copy of summons annexed, attending to file and entering up judgment by default .. .. .                                  | 6 8 |

**II.—In actions where the amount recovered exceeds 5l. and does  
not exceed 10l.**

- |  |      |
|--|------|
| (1.) Letter before action .. .. .  | 3 4  |
| (2.) Instructions for and preparing particulars for an ordinary summons, such particulars to be signed by the solicitor, and attending and entering plaint .. .. . | 6 8  |
| (3.) Attending or acting in court (9 & 10 Vict. c. 95, s. 91) ..   | 15 0 |

*For a default summons instead of item two.*

- |  |     |
|--|-----|
| (4.) Preparing affidavit, swearing and filing, including notice of mode in which payment will be accepted .. .. .                                      | 6 0 |
| (5.) Copy and service of summons, if served by plaintiff's solicitor, or his clerk, within two miles of the place of business of the solicitor .. .. . | 5 0 |
| If beyond that distance, additional for every mile but not to exceed ten miles .. .. .   | 0 6 |
| (6.) Affidavit of service with copy of summons annexed, attending to file and entering up judgment by default .. .. .                                  | 6 8 |

**III.—In actions where the amount recovered exceeds 10l. and does  
not exceed 20l.**

- |   |      |
|---|------|
| (1.) Letter before action .. .. .   | 3 4  |
| (2.) Instructions for and preparing particulars for an ordinary summons (such particulars to be signed by the solicitor), and attending and entering plaint .. .. . | 6 8  |
| (3.) Attending or acting in court (9 & 10 Vict. c. 91, s. 91) ..  | 15 0 |
| (4.) Taxing costs .. .. .   | 5 0  |

*For a default summons instead of item two.*

- |   |       |
|---|-------|
| (5.) Preparing, swearing and filing affidavit, including notice of mode in which payment will be accepted .. ..   | s. d. |
| (6.) Copy and service of summons, if served by plaintiff's solicitor, or his clerk, within two miles of the place of business of the solicitor .. ..  | 6 8   |
| If beyond that distance, additional for every mile but not to exceed ten miles .. ..  | 5 0   |
| (7.) Affidavit of service with copy of summons annexed, attending to file and entering up judgment by default .. ..   | 0 6   |
| Note.—[The items of charge numbered 1 and 2, and 1, 2 and 3 in the above scales may be charged in the summons in the cases to which the charges respectively apply; where the amount claimed is larger than the amount recovered, the judge may certify for costs on the scale applicable to the amount claimed if he shall think fit.] | 6 8   |

SCALES OF COSTS AND CHARGES to be paid to COUNSEL and SOLICITORS in

ACTIONS above £20,

As well between Party and Party as between Solicitor and Client, on and after 2nd November, 1875.

	Lower Scale.*	Higher Scale.*
	£ s. d.	£ s. d.
1. Letter before action .. ..	0 3 6	0 3 6
2. Instructions to sue or defend .. ..	0 6 8	0 13 4
3. Application for substituted service or service out of England .. ..	0 4 0	0 6 0
Service, sum allowed by judge.		
4. Perusing deeds and documents when long, not exceeding .. ..	—	2 2 0
5. Attendance and entering plaint, including particulars and copies, such particulars and copies being signed by the solicitor .. ..	0 13 4	0 13 4
6. Where special particulars are required under Order VIII., Rule 7, then in addition to item 5 .. ..	0 6 8	0 13 4
7. Preparing affidavit and filing, including notice of mode in which payment will be accepted ..	0 6 8	0 6 8
8. Copy and service of summons, if served by solicitor, or his clerk, within two miles of the place of business of the solicitor .. ..	0 5 0	0 5 0
If beyond that distance, additional for every mile, but not to exceed ten miles .. ..	0 0 6	0 0 6
9. Affidavit of service with copy of summons annexed .. ..	0 5 0	0 5 0
10. Attending to file affidavit of service, including entering up judgment by default .. ..	0 3 4	0 6 8
N.B.—The total amount of these items where applicable to be entered on the summons.		

\* See note at end of scale.

	Lower Scale.	Higher Scale.
	£ s. d.	£ s. d.
11. Attending lodging judge's order, and preparing statement of cause of action or defence, including copies, and lodging same with registrar, if signed by attorney (sections 7 and 10 of "The County Courts Acts, 1867") ..	0 13 4	0 13 4
12. Examining and taking minutes of evidence of each witness afterwards allowed by the judge.. If more than six folios, every additional folio (whether counsel employed or not)..	0 3 4 0 1 0	0 6 8 0 1 0
13. Drawing brief for counsel, per folio ..	0 1 0	0 1 0
14. Attending counsel therewith ..	0 3 4	0 6 8
15. Fee to counsel and clerk, sum paid not exceeding	3 5 6	5 10 0
16. If conference with counsel allowed, appointing it and attending counsel ..	0 6 8	0 13 4
17. Fee to counsel and clerk, on conference..	1 6 0	1 6 0
18. Attending court on trial, with counsel ..	1 1 0	1 10 0
19. Attending court and conducting cause, where no counsel employed ..	2 0 0	2 0 0
20. Where judgment is deferred, attending court to hear it ..	0 6 8	0 6 8
21. Plans, charts, or models where necessary for use at hearing, by special order on taxation, not exceeding ..	2 2 0	2 2 0
22. Witnesses' expenses, according to scale in force.		
23. Attending taxing costs ..	0 6 8	0 6 8
24. Letters to be allowed once only in action or matter ..	0 5 0	0 5 0
25. Serving any notice on a party or his solicitor, including copy thereof ..	0 3 6	0 5 0
26. If served beyond three miles of registrar's office, reasonable expenses for travelling and maintenance.		
<i>Occasional Costs.</i>		
27. Transfer, lodging order of ..	0 10 0	0 16 8
28. Notice to produce, notice to admit,—notice of application for a new trial, or to set aside proceedings,—including copies or duplicate originals and service,—and notice of special defence and copies, including particulars, and copies in cases of set-off, and attending registrar of the court therewith, such notices, particulars, and copies being signed by the solicitor ..	0 6 8	0 13 4
29. On receipt of notice to produce or admit or to answer interrogatories perusing same, and advising thereon ..	0 6 8	0 13 4
30. All applications and motions, or attending court to answer applications and motions under Order XIII. ..	0 6 8	0 6 8
31. Drawing interrogatories and answer thereto under last-mentioned order ..	0 5 0	0 5 0
If more than five folios, per folio ..	0 1 0	0 1 0
32. Attending examination under Order XXIV. ..	0 6 8	0 6 8



	Lower Scale.	Higher Scale.
	£ s. d.	£ s. d.
33. Attending inspecting documents.. ..	0 6 8	0 6 8
34. Mileage, one way, from the solicitor's place of business to place of inspection of documents, for each mile, not exceeding, unless by special order of judge, in the whole 20 miles ..	0 1 0	0 1 0
35. All necessary affidavits, not exceeding five folios, including filing, each .. ..	0 5 0	0 5 0
36. For every additional folio.. ..	0 1 0	0 1 0
37. Oath; sum paid.		
38. Attending court for an order to bring up a prisoner to give evidence .. ..	0 4 0	0 4 0
39. Attending court to support or oppose motion for any application, or where no counsel employed ..	0 13 4	1 1 0
40. Attending in the last-mentioned cases with counsel ..	0 10 0	0 13 4
41. Fee to counsel and clerk in such cases sum paid (not exceeding).. ..	1 3 6	2 6 6
42. All necessary applications and motions to the court not otherwise provided for, including instructions and all attendances .. ..	0 6 8	0 13 4
43. Solicitor's travelling expenses to attend court, one way, not exceeding 20 miles, per mile ..	0 1 0	0 1 0
44. Where in the opinion of the registrar the solicitor cannot return the same night, in addition to the above mileage .. ..	1 11 6	1 11 6
45. Any attendance at the office of the registrar, or any attendance upon the opposite party, which the registrar may, upon taxation, think was necessary .. ..	0 3 4	0 6 8
46. All costs for letters, and for searches for certificates of births, marriages and deaths, which the registrar may upon taxation think necessary such sum as the registrar shall deem reasonable.		
47. Fees and copies; (sum paid).		
48. All necessary copies, per folio .. ..	0 0 4	0 0 4
49. Preparing admission by defendant .. ..	0 3 4	0 6 8
50. Drawing accounts and other documents not included in the foregoing costs, but allowed upon taxation of costs to be necessary, per folio ..	0 0 8	0 0 8
51. For perusing and adapting old abstracts of title, per sheet .. ..	0 3 4	0 3 4
52. Drawing abstracts of additional deeds and documents per sheet .. ..	0 6 8	0 6 8
53. For preparing conditions and contracts of sale, and fair copy, per folio .. ..	0 0 8	0 0 8
54. Where condition and contract are not submitted to counsel, in addition to the above there shall be allowed for perusing abstracts, every three sheets .. ..	0 3 4	0 3 4
55. Where conditions and contracts are to be settled by counsel, instructions to counsel to accompany abstract, and attendance therewith, or letter .. ..	0 6	0 13 4

	Lower Scale.			Higher Scale.		
	£	s.	d.	£	s.	d.
56. Fee to counsel and clerk.						
57. Attending sale .. .. .	1	1	0	2	2	0
58. Where by any proceeding taken by the opposite party it becomes necessary to advise or receive instruction from a client in the progress of an action or matter, for each attendance ..	0	6	8	0	13	4
59. Where in the course of an action or matter a party suing or sued in a fiduciary or representative character necessarily incurs costs not allowed upon taxation between party and party, the registrar shall apply to the judge to allow such sums as he may think fit out of any funds in court applicable to that purpose.						
<i>Case.</i>						
<i>Sections 11 or 12 of the County Courts Act, 1867.</i>						
60. Drawing case, per folio .. .. .	—			0	1	0
61. Perusing and settling case prepared by the other party in action, per folio .. .. .	—			0	0	6
62. Drawing briefs for counsel to argue case ..	—			1	1	0
63. Attending counsel with brief .. .. .	—			0	3	4
64. Fee to counsel upon brief, sum paid not exceeding .. .. .	—			3	5	6
65. Attending court when counsel employed ..	—			1	1	0
66. Attending court when counsel not employed ..	—			0	15	0
<i>Costs of the Day on Adjournment of Cause.</i>						
67. Solicitor for attending court where no counsel employed .. .. .	0	15	0	0	15	0
68. Attending with counsel .. .. .	0	10	0	0	13	4
69. Refresher fee to counsel and clerk .. ..	1	3	6	1	3	6
70. Witnesses' expenses, same as on trial.						
<i>Arbitration.</i>						
71. Attending reference, without counsel, for each sitting .. .. .	1	0	0	1	0	0
72. Attending reference, with counsel, for each sitting .. .. .	0	15	0	0	15	0
73. Where sitting exceeds four hours, for every additional hour .. .. .	0	6	8	0	6	8
74. Fee to counsel and clerk, for each sitting, sum paid, not exceeding .. .. .	2	4	6	2	4	6
75. Witnesses' expenses, same as on trial.						
<i>Note.</i> —Cost of counsel and solicitor, or of a solicitor on attending in reference, shall not be allowed without the order of the judge; nor shall the costs of more than one sitting be allowed without the order of the judge.						
<i>New Trial.</i>						
76. Costs to be allowed on the same scale as on the original trial.						

	Lower Scale.			Higher Scale.		
	£	s.	d.	£	s.	d.
<i>Costs on Appeals.</i>						
77. Preparing notice of appeal, including copies and service .. .. .					0	10 0
78. paying money into court as deposit on appeal, including notice and service thereof .. .. .	0	3	0	0	3	0
79. Notice of nature and particulars of proposed security, including copies and service .. .. .	0	5	0	0	5	0
80. Preparing case including copies .. .. .	0	10	0	1	1	0
81. Attending judge to sign, or to settle and sign .. .. .	0	6	8	0	6	8
82. Transmitting and depositing copies of case to party, and with registrar .. .. .	0	5	0	0	5	0
83. Transmitting case and copies to Court of Appeal, including notice thereof to successful party .. .. .	0	7	0	0	7	0
84. Application to judge for leave to proceed on the judgment .. .. .	0	5	0	0	7	0
85. Depositing order of Court of Appeal, including notice and service thereof .. .. .	0	3	4	0	6	8
<i>Order X.—Counter or other Claim.</i>						
Any additional costs occasioned by a counter or other claim shall be taxed, and may be allowed as if such claim had been made by a separate action, except that no item shall be allowed for any charge which has been allowed in respect of the original action or the defence thereto.						

The registrar is to tax the bills of costs of defendants upon the lower scale when the subject matter does not exceed 100*l.* and upon the higher when it exceeds 100*l.*, or the action is brought under either section 11 or 12 of the County Courts Act, 1867; and the bills of costs of plaintiffs upon the lower scale when the sum recovered or the subject matter does not exceed 100*l.*, and upon the higher when the sum recovered or the subject matter exceeds 100*l.*, or the action is brought under either section 11 or 12 of the County Courts Act, 1867, unless in either case the judge shall otherwise order.

Costs in actions under the County Courts Act, 1856, s. 23, shall be taxed according to the scale of taxation used in the high court of justice, so far as it is directly applicable; and where it is not so applicable, the principle of that scale shall be followed.

As to special allowances of costs, see Order XXXVI.

We, GEORGE LAKE RUSSELL, JOHN BURY DASENT, JOHN WORLEDGE, RUPERT ALFRED KETTLE, and WILLIAM FURNER, being judges of county courts appointed to frame rules and orders for regulating the practice of the courts, and forms of proceedings therein, under the 32nd section of "The County Courts Act, 1856," have by virtue of the powers vested in us thereby and of all other powers enabling us in this behalf, framed the foregoing rules and scales of costs, and we do hereby certify the same to the Lord Chancellor accordingly.

G. L. RUSSELL.  
J. B. DASENT.  
J. WORLEDGE.  
RUPERT KETTLE.  
W. FURNER.

I approve of these rules and costs to come into force in all county courts on the second day of November, 1875.  
CAIRNS, C.

## TREASURY ORDER REGULATING COURT FEES, 1875.

In pursuance of the powers given by "THE COUNTY COURTS ACT, 1856," "THE COUNTY COURTS ACT, 1865," "THE COUNTY COURTS ACT, 1867," "THE COMPANIES ACT, 1867," and "THE COUNTY COURTS ACT, 1875," and of all other powers enabling us in this behalf, we, the undersigned, two of the commissioners of her Majesty's Treasury, whose names are hereunto subscribed, do hereby, with the consent of the Lord Chancellor, order that, on and after the second day of November, 1875, the several fees, or sums in the name of fees, specified in the schedules hereunder written shall be taken on the proceedings therein mentioned, in lieu of all other fees for the proceedings set forth; and that the fees so authorized to be taken, with the exception of the fees for keeping possession of goods, and with the exception of the fees mentioned in schedule (B.), shall be received by the registrars of the different county courts, and shall be accounted for and paid over by them to the treasurers of their respective courts, or where there is no treasurer, the superintendent of county courts, and that the fees set forth in schedule (B.) shall be received by the registrars for the use of themselves and the high bailiffs, according as the duties are to be performed by the registrars or high bailiffs.

MAHON.

ROW. WINN,

I approve of the annexed schedules of fees.

CAIRNS, C.

26th October, 1875.

*[An order or rule referred to in the following schedules shall mean the order or rule so numbered in the County Court Rules, 1875.]*

## SCHEDULE (A.)

For every plaint or petition, one shilling in the pound.

Where the claim or demand exceeds forty shillings, and an ordinary summons is to be served by bailiff, an additional fee of one shilling.

Where in any case the number of defendants shall exceed three, an additional fee of one shilling for each defendant above three.

No fee shall be payable on any application for a new trial, or to set aside proceedings, or for a summons in an interpleader.

For entering judgment by consent under sects. 8 or 9 of "The County Courts Act, 1860," or under a default summons, one shilling in the pound on the amount claimed in the summons.

For every hearing two shillings in the pound.

In all cases where the defendant shall either personally, or by his solicitor or agent, admit the claim, one half of the fee paid by the plaintiff for the hearing of the plaint shall be returned to the plaintiff by the registrar of the court, although the court may have been required to decide upon the terms and conditions upon which the claim is to be paid.

An additional hearing fee shall be taken for every new trial.

The hearing on interpleader shall not be prepaid, but shall be estimated on the amount of the money or the value of the goods claimed, which value, in case of dispute, shall be assessed by the judge, who, at the hearing, shall direct by whom and when and how such fee shall be paid.

No fee shall be payable for hearing any application for a new trial, or to set aside proceedings.

For issuing every warrant against the goods, eighteenpence in the pound on the amount for which such warrant shall issue.

For issuing every warrant to deliver possession of tenements, eighteenpence in the pound.

For every judgment summons under the Debtors Act, 1869, threepence in the pound on so much of the amount of the original demand as, in obedience to the order of the court, should have been paid at the time of the issue of the summons.

Where such last-mentioned amount does not exceed twenty shillings, an additional fee of sixpence; and where such amount does exceed twenty shillings, an additional fee of one shilling.

For every hearing of the matters mentioned in such judgment summons, sixpence in the pound on the amount upon which the fee on the summons is calculated.

For issuing every order of commitment, eighteenpence in the pound on the amount upon which the fee on the summons is calculated.

For keeping possession of goods till sale, per day (including expenses of removal, storage of goods, and all other expenses), not exceeding five days, sixpence in the pound on the value of the goods seized, to be fixed by appraisalment in case of dispute.

In all plaints, all poundage, except where otherwise specified in this schedule, shall be estimated on the amount of the claim.

In plaints under sections 11 and 12 of "The County Courts Act, 1867," poundage shall be estimated as upon a claim for a sum of twenty pounds.

In replevins, all poundage, except as aforesaid, shall be estimated on the amount of the alleged rent or damage, to be fixed by the registrar.

In plaints for the recovery of tenements when the term has expired or been determined by notice, all poundage, except as aforesaid, shall be estimated on the amount of the weekly, monthly, or yearly rent of the tenement, as such tenement shall have been let by the week or by the month, or for any longer period; and if no rent shall have been reserved, then on the amount of the half-yearly value of the tenement, to be fixed by the registrar.

Where a claim for rent or mesne profits, or both is added to a plaint for the recovery of a tenement, an additional poundage shall be taken on the amount or amounts so claimed, but where thereby the total amount on which poundage would be taken shall exceed twenty pounds, the poundage shall be estimated on twenty pounds only.

In plaints for the recovery of tenements for non-payment of rent, all poundage, except as aforesaid, shall be estimated on the amount of the half-yearly rent of the tenement.

Where a counter or other claim is made under Order X. of the County Court Rules, 1875, the same fees shall be taken as upon the entry and hearing of a plaint.

In proceedings under "The Merchant Shipping Act, 1854," "The Literary and Scientific Institutions Act, 1854," and "The Metropolitan Buildings Act, 1855," the poundage shall be estimated upon the amount in dispute, and if no amount is in dispute, or if the amount in dispute is not ascertained, then as upon a claim for a sum of twenty pounds.

In proceedings under "The Succession Duty Act, 1853," the poundage shall be estimated upon the amount in dispute.

In proceedings under "The Friendly Societies Act, 1875," or under any act giving the court jurisdiction in any matter, such other act not being a County Court Act, the poundage shall be estimated upon the amount in dispute.

In the above cases where the poundage would, but for this direction, be estimated on an amount exceeding twenty pounds, it shall be estimated at twenty pounds only.

In every case where the poundage cannot be estimated by any rule in this schedule, it shall be estimated on twenty pounds.

All fractions of a pound, for the purpose of calculating poundage, shall be treated as an entire pound.

No increase of fees shall be made by reason of there being more than one plaintiff or defendant, except as before directed, where the number of defendants exceeds three.

---

	£	s.	d.
For every sitting under the "Ballot Act, 1872" .. .. .	2	0	0
For taking the acknowledgment of a married woman, where only one	1	0	0
And 10s. for every additional woman.			
For a warrant to replevy .. .. .	0	2	6
For a replevin bond, where the alleged rent or damage does not exceed 20 <i>l</i> .. .. .	0	10	6
For a replevin bond, where the alleged rent or damage exceeds 20 <i>l</i> ..	1	1	0
For notice to distrainor .. .. .	0	2	6
For every subpoena to be served in a home district; if served within			
two miles of court house .. .. .	0	1	0
For every mile beyond two .. .. .	0	0	6
but the total fee to be taken is in no case to exceed 3 <i>s</i> .			
For every subpoena to be served in a foreign district .. .. .	0	3	0
For every sitting under the Agricultural Holdings (England) Act,			
1875 .. .. .	1	0	0

---

*Proceedings under the Industrial and Provident Societies Act,*  
1862.

	£	s.	d.
For every petition presented to a court, under section 17 of the above			
act .. .. .	1	0	0
For every order for winding-up .. .. .	1	0	0

*The Companies Act, 1862.*

For every sitting to take evidence .. .. .	2	0	0
--	---	---	---

*The Companies Act, 1867.*

For every sitting before the judge .. .. .	1	0	0
--	---	---	---

---

## SCHEDULE (B.)

## PART I.

Fees where the Court exercises Jurisdiction under The County Courts Act, 1867, The County Courts Act, 1875, The Supreme Court of Judicature Act, 1873, or the Agricultural Holdings (England) Act, 1875.

<i>Registrar's Fees.</i>		£	s.	d.
For examining, allowing, and filing every affidavit under section 1 of County Courts Act, 1875, where the claim does not exceed 40s. . . . .		0	1	0
For the like, where the claim exceeds 40s. . . . .		0	2	0
For entering writ under sections 7 or 10 of the County Courts Act, 1867, and sending notice to parties of day of trial, &c. . .		1	1	0
Taxing costs in such actions . . . . .		0	5	0
On entry of plaint under sections 11 and 12 of the County Courts Act, 1867 . . . . .		1	1	0
Where the plaint has not been entered under section 12, and the judge shall certify that the court has exercised jurisdiction under that section, the above fee of 1 <i>l.</i> 1 <i>s.</i> shall be paid.				
On every order for a new trial in actions commenced under sections 11 and 12 of County Courts Act, 1867 . . . . .		0	10	6
Taxing costs under either of the said sections 11 and 12, or under section 23 of the Agricultural Holdings (England) Act . . . . .		0	10	6
For sealing every warrant, precept, or writ issued from a court other than a county court 6 <i>d.</i> in the pound on the amount for which it issues.				
For drawing up, sealing, and issuing every order under the following rules or any of them:—				
Order X., Rules 2—4 . . . . .	}	0	4	0
Order XI., Rules 4 and 8 . . . . .				
Order XXXIV., Rule 7 . . . . .				
Order XXXVII., Rules 15 and 16 . . . . .				
For drawing, sealing, and issuing every special judgment or order in the nature of a decree, where court exercises jurisdiction under the Supreme Court of Judicature Act, 1873, or under Order XXXIV. . . . .		0	15	0
For every sitting under—				
Order XI., Rule 7 . . . . .	}	0	10	0
Order XIV., Rules 7 and 8 . . . . .				
Order XVIII., Rule 17 . . . . .				
Where the sitting is longer than one hour, for every additional hour or part of an hour . . . . .		0	10	0
For every notice or summons under—				
Order XI., Rule 1 . . . . .	}	0	2	6
Order XIII., Rule 3 . . . . .				
Order XVI., Rule 12 . . . . .				
Order XIX., Rules 30, 31 . . . . .				
Orders XXXII. and XXXIV. . . . .				
For copies of every proceeding or document under Order XXXVII., Rule 3, at per folio . . . . .		0	0	4
For making a return to a writ of certiorari for costs out of pocket . . . . .		0	15	0
Filing affidavit on issue of duplicate plaint note . . . . .		0	0	6
For every bond with sureties . . . . .		0	5	0

SCHEDULE (B.)—*contd.*

Fees where the Court exercises Jurisdiction under the County Courts Act, 1867, the County Courts Act, 1873, the Supreme Court of Judicature Act, 1873, or the Agricultural Holdings (England) Act, 1875.		—
<i>High Bailiff's Fees.</i>		£ s. d.
For every default summons under section 1 of the County Courts Act, 1875, where not served by a solicitor .. .. .		0 1 0
For executing every warrant, precept or writ issued by a court other than a county court, 1s. in the pound on the amount for which it issues; and for keeping possession, appraisal and sale, the same allowances as under a warrant of execution by a county court.		
For delivering the goods on completion of a replevin bond .. together with 6d. a mile from the court house to the place where the goods are.		1 1 0

## PART II.

Fees where the Court exercises Jurisdiction under the County Courts Act, 1865, or sections 9, 24, 25, 26 and 27 of the County Courts Act, 1867, or section 12 of the Partition Act, 1868.	Where the Subject Matter of the Suit or Proceeding	
	Does not exceed 100l.	Where it exceeds 100l.
<i>Registrar's Fees.</i>	£ s. d.	£ s. d.
Filing affidavit and receipts, giving certificate and issuing notices in matters under Order XXXI., Rules 1 to 11 inclusive .. .. .	0 10 0	0 15 0
Where the notices under Rules 11 exceed five, for every additional notice .. .. .	0 0 6	0 1 0
On transfer of proceedings from Chancery Division of High Court of Justice; for perusing and filing papers, application to judge, drawing directions to proceed and notice to parties .. .. .	1 1 0	1 1 0
For attesting admission of defendant and filing, Order XII., Rule 3 .. .. .	0 3 6	0 5 0
For filing statement of defendant or notice by plaintiff for dismissal of cause, Order XII., Rules 1 and 3 .. .. .	0 2 6	0 4 0
For settling draft order on an ex parte application, and the order as made, Order XI., Rule 4 .. .. .	0 10 0	0 15 0
Drawing and filing order of transfer, under Order XX., Rule 6, and transmitting order and papers .. .. .	0 10 0	0 15 0
For drawing, filing and sealing every special order or judgment in any action or matter in the nature of a decree (other than orders obtained ex parte under Order XI., Rule 4), and every final order, including copy for service .. .. .	0 15 0	1 5 0
For drawing every order for payment of money under Order XXVII., Rule 6, or any order under Order XXXVII., Rules 15 and 16 .. .. .	0 4 0	0 4 0
For every order for further directions under Order XVIII., Rule 34 .. .. .	0 7 0	0 12 0



SCHEDULE (B.)—*contd.*

Fees where the Court exercises Jurisdiction under the County Courts Act, 1865, or sections 9, 24, 25, 26 and 27 of the County Courts Act, 1867, or section 12 of the Partition Act, 1868.	Where the Subject Matter of the Suit or Proceeding	
	Does not exceed 100 <i>l.</i>	Where it exceeds 100 <i>l.</i>
<i>Registrar's Fees—contd.</i>		
	£ s. d.	£ s. d.
For filing or recording every order by judge for adjournment .. .. .	0 2 6	0 4 0
For drawing advertisements and inserting .. ..	0 5 0	0 7 0
For every sitting on which the registrar is employed in taking accounts, making inquiries or acting as a special examiner under Order XVII., Rules 16 and 17, or Order XIV., Rules 7 and 8 .. ..	0 10 0	0 10 0
Where the sitting is longer than one hour, then for every additional hour or part thereof ..	0 5 0	0 7 0
Where the registrar is required to attend elsewhere than at the court or office (in addition)	0 10 0	1 0 0
Mileage one way .. .. .	0 0 6	0 0 6
For certificate under Order XVIII., Rule 30 ..	0 15 0	1 10 0
For making and transmitting note of order under Order XXVII., Rule 52 .. .. .	0 2 6	0 3 6
For every inspection of certificate, Order XVIII., Rule 31 .. .. .	0 1 0	0 2 0
For filing and sealing every affidavit or other document not being a document annexed to an affidavit	0 1 0	0 1 0
For every application for a search and searching ..	0 2 0	0 2 0
For issuing every warrant .. .. .	0 2 0	0 3 0
For giving every notice required by any order, except as hereafter mentioned .. .. .	0 2 0	0 2 6
Where the notices are given under Order XVIII., Rule 36 .. .. .	0 3 0	0 5 0
For every office copy, per folio .. .. .	0 0 4	0 0 4
For every taxation of costs .. .. .	0 7 0	0 10 0
For auditing receiver's accounts where sum in account does not exceed 100 <i>l.</i> .. .. .	0 5 0	0 5 0
For every additional 50 <i>l.</i> or fraction thereof ..	0 2 6	0 2 6
For every bond with sureties .. .. .	0 5 0	0 7 6
For every summons under Order XVIII., Rule 17 ..	0 2 6	0 2 6
<i>High Bailiffs' Fees.</i>		
For service, within home district, of every summons, petition, notice, or order—		
If within two miles of court house .. ..	0 4 6	0 6 6
If beyond one mile, then for every additional mile, or part of a mile .. .. .	0 0 6	0 0 6
For service, of every summons, petition, notice, or order, in a foreign district, each defendant to be served .. .. .	0 6 0	0 8 0
Where service is ordered to be personal, then an additional fee of .. .. .	0 4 0	0 5 0
For the execution of each warrant within home district .. .. .	0 7 6	0 10 0
With an allowance of mileage, double the amount of the allowance on summonses		

SCHEDULE (B.)—*contd.*

Fees where the Court exercises Jurisdiction under the County Courts Act, 1865, or sections 9, 24, 25, 26 and 27 of the County Courts Act, 1867, or of section 12 of the Partition Act, 1869.	Where the Subject-matter of the Suit or Proceeding.	
	Does not exceed 100 <i>l.</i>	Where it exceeds 100 <i>l.</i>
<i>High Bailiff's Fees.</i> — <i>contd.</i>	<i>£ s. d.</i>	<i>£ s. d.</i>
For execution of each warrant in a foreign district..	0 10 0	0 15 0
Keeping possession, for each day the man is actually in possession .. .. .	0 6 0	0 7 6
3 <i>s.</i> 6 <i>d.</i> of the above sum is to be paid to the man in possession, and his receipt produced to registrar.		
Superintending sale, whether by auction or private contract, making out account, and paying money into court, 2 <i>l.</i> per cent. on first 50 <i>l.</i> , so paid, and 1 <i>l.</i> per cent. on all afterwards.		

N.B.—Where the amount or value of the subject matter of the action or matter is not disclosed by the plaint or petition it shall be taken not to exceed 100*l.*, and the fees charged accordingly. If, however, the judge shall subsequently certify that the amount or value of the subject matter does exceed 100*l.*, the difference between the fees up to that time taken and those that would have been taken had it exceeded 100*l.*, may then be taken.

## PART III.

*Winding up under "The Companies Act, 1867," and "The Industrial and Provident Societies Act, 1862," and "The Building Societies Act, 1874."*

<i>Registrar's Fees.</i>	<i>£ s. d.</i>
For every summons .. .. .	0 3 0
For every order .. .. .	0 5 0
For every office copy of order .. .. .	0 5 0
For every advertisement.. .. .	1 0 0
For every certificate .. .. .	0 5 0
For filing every affidavit or statement on affirmation, declaration, or attestation upon honour .. .. .	0 1 6
For every sitting by the registrar .. .. .	0 10 0
When the sitting is longer than an hour, then for every additional hour or part thereof .. .. .	0 10 0
For taxation of bill of costs .. .. .	0 10 0

*High Bailiff's Fees.*

Same fees for service and execution as in Part II.

*Protection of Property of Deserted Married Women.*  
20 & 21 Vict. c. 85, s. 21.

*Registrar's Fee.*

For sealing every order brought to a registrar, and entering name, and transmitting a sealed copy of the entry, to the registrar of county courts' judgments .. .. .	0 5 0
--	-------

SCHEDULE (B).—*contd.*

## PART IV.

Fees where the Court exercises Jurisdiction under the County Courts Admiralty Jurisdiction Acts, 1868 and 1869.	Where the amount claimed	
	Does not exceed 100l.	Exceeds 100l.
<i>Registrar's Fees.</i>		
On every warrant of arrest of a vessel .. .. .	s. d. 5 0	s. d. 7 6
„ release .. .. .	5 0	7 6
„ bail bond .. .. .	5 0	7 6
„ affidavit of justification .. .. .	2 6	2 6
„ subpoena .. .. .	2 0	3 0
„ notice of hearing .. .. . each	1 6	2 6
Summons for the attendance of assessor at the hearing of any suit .. .. . each	1 6	2 6
For every order of transfer .. .. .	10 0	15 0
Where a special court is to be held for the hearing of the action .. .. .	25 0	35 0
Where the court is to sit for the hearing or part hearing of an action beyond three miles from registrar's office, then in addition .. .. .	15 0	15 0
Mileage one way from office to place of sitting, for each mile .. .. .	0 6	0 6
When the registrar cannot return the same night ..	21 0	21 0
For drawing final judgment .. .. .	10 0	15 0
For filing an affidavit or other document, not being a document annexed to an affidavit .. .. .	1 0	1 0
For every office copy of a document in the English language .. .. . per folio	0 4	0 4
For office copies of papers in a foreign language, or of shorthand writers' or reporters' notes, or of abstracts or translations made in the office, in addition to the above fees, the charges of the copyist, shorthand writer, reporter, or translator .. .. .	—	—
On a receipt for money or for papers ( <i>only one fee to be taken, however many may be the papers delivered in at one time</i> ) .. .. .	1 0	1 0
Poundage on moneys paid out of the office in any suit for every 50l. or fraction thereof .. .. .	5 0	5 0
From a person who is not a party in the suit, nor his solicitor, nor the clerk of the solicitor, on examining the court books in respect of any suit .. .. .	1 0	1 0
For every summons of commitment .. .. .	3 0	5 0
For every warrant against the body or goods or order of sale of vessel .. .. .	5 0	7 6
On examining the documents in a suit in which no proceedings are pending, and which has been terminated within the last two years .. .. .	2 6	2 6
Ditto ditto, if beyond that period .. .. .	3 6	3 6
For every sitting in which the registrar is employed as an examiner where the amount claimed exceeds 20l. ..	7 0	10 0
When the sitting is longer than one hour, then for every additional hour or part of an hour .. ..	5 0	7 0

SCHEDULE B.—*contd.*

	Where the amount claimed	
	Does not exceed 100l.	Exceeds 100l.
<i>Registrar's Fees—cont.</i>		
	<i>s. d.</i>	<i>s. d.</i>
Where the registrar shall be required to attend elsewhere than at the court or office, in addition to the above .. .. .	10 0	20 0
Milrage one way from the office to the place of examination, for each mile .. .. .	0 6	0 6
For taxation of costs .. .. .	5 0	7 0
<i>High Bailiff's Fees.</i>		
For service of summons or subpoena, if served within three miles of registrar's office .. .. .	5 0	5 0
If served beyond three miles of registrar's office, reasonable expenses for travelling and maintenance .. .. .	—	—
Attendance at a special court if required by judge .. .. .	7 6	15 0
In execution of a warrant of arrest of a vessel or property .. .. .	15 0	20 0
In keeping possession of a vessel or property to include the cost of a vessel-keeper, if required .. .. . per day	5 0	5 0
In execution had at a greater distance than three miles from registrar's office, reasonable expenses for travelling and maintenance .. .. .	—	—
In sale of vessel or property, including inventory, for every 50l. or fraction thereof .. .. .	10 0	10 0
For service of summons of commitment .. .. .	4 0	8 0
Execution of warrant against body or goods .. .. .	20 0	30 0
Conveyance to gaol .. .. . per mile	1 0	1 0

N.B.—Where the amount or value of the subject matter of the action or matter is not disclosed by the plaint or petition it shall be taken not to exceed 100l., and the fees charged accordingly. If, however, the judge shall subsequently certify that the amount or value of the subject matter does exceed 100l., the difference between the fees up to that time taken and those that would have been taken had it exceeded 100l. may then be taken.

## PART V.

*Registrar's Fees.*

Taxing every account under sect. 4 of "The Parliamentary Elections (Returning Officers) Act, 1875":—

	<i>s. d.</i>
Where the amount of the account to be taxed does not exceed 50l.	10 0
Where such amount exceeds 50l., for every 50l. or fractional part of 50l. an additional fee of.. .. .	10 0



THE  
COUNTY COURT RULES, 1876,  
With Forms.



## THE COUNTY COURT RULES, 1876.



1. These rules may be cited as "The County Court Rules, 1876," or each rule may be cited as if it had been one of "The County Court Rules, 1875," and had been numbered therein by the number of the order and rule placed in the margin opposite each of these rules.

2. An order and rule referred to by number in these rules shall mean the order and rule so numbered in "The County Court Rules, 1875."

3. There shall be added to the interpretation clause (a) to the County Court Rules, the words "'vessel' shall include every description of vessel used in navigation not propelled by oars only." Interpreta-  
tion.

### ORDER II.

#### OFFICERS.

4. The registrar shall keep the books (b) in the forms given in the schedule, except as follows:— Order II.  
rule 2a.

Where book A is used, neither books B, C, D or E shall be used, but book F must be used.

Where books B and C are used, neither books A, D or E shall be used, but book F must be used.

Where books D and E are used, books A and B shall not be used, but book C may be used; and if book C be used, book F must be used.

Where the number of complaints entered in a court in 1875 exceeded 2,000, and book A is not used, books C and F must be used, and either book B or books D and E.

The books at present in use shall be continued until their pages are filled up.

Every registrar acting as high bailiff must keep book K instead of books L, N and T.

5. The bailiff making an indorsement on a summons served in a foreign district shall add after his name the word "bailiff," and the name of the court of which he is the bailiff (c). Order II.  
rule 24a.

6. Where the plaintiff sues by a solicitor, the notices referred to in Order II. rules 5, 6, 22, 23 and 27 shall be sent to such solicitor (d). Order II.  
rule 35.

### ORDER IV.

#### COMMENCEMENT OF ACTION.

7. In Order IV. rule 5 (e), for the word "unless" the words "but no such leave is required where" are hereby substituted. Order IV.  
rule 6a.

(a) See *ante*, p. 81.

(b) See *ante*, p. 83.

(c) See *ante*, p. 85.

(d) *Ante*, pp. 83—86.

(e) *Ante*, p. 86.



## ORDER V.

## PARTIES.

Order V.  
rule 6a.

8. In Order V. rule 6 (*f*), for the words "the trial," the words "any stage of the proceedings" are hereby substituted.

## ORDER VII.

## PARTICULARS AND STATEMENT OF CLAIM.

Order VII.  
rule 6a.

9. In Order VII. rule 6 (*g*), for the figures "1875" the figures "1867" are hereby substituted.

Order VII.  
rule 8a.

10. In Order VII. rule 8 (*h*), for the words "such service" the words "service of such notice" shall be substituted.

## ORDER VIII.

## PLAINT NOTE AND SUMMONS.

Order VIII.  
rule 6a.

11. Order VIII. rule 6 (*i*), shall be read as if the last nine words of the rule were not therein.

## ORDER IX.

SPECIAL DEFENCES (*k*).Order IX.  
rule 1a.

12. A defendant in an action may set off, or set up, by way of counter-claim against the claims of the plaintiff, any right or claim, whether such set-off or counter-claim sound in damages or not.

13. Order IX., rule 8 (*l*), is hereby annulled, and the following shall stand in lieu thereof:—

Order IX.  
rule 8a.

Where the defendant intends to rely upon a set-off or counter-claim against the claims of the plaintiff, his statement shall contain particulars of such set-off or counter-claim.

Order IX.  
rule 17.

14. Where a defendant by his defence sets up any counter-claim which raises questions between himself and the plaintiff along with any other person, he may apply to the court, under Order XVII., rule 12 (*m*), to add the name of such person as a party to the counter-claim.

ORDER X. (*n*).

## COUNTER-CLAIM.

Order X. is hereby annulled, and the following order shall stand in lieu thereof:—

## ORDER XA.

## CLAIM FOR CONTRIBUTION, INDEMNITY, &amp;c.

Notice of  
claim to  
contribution,  
indemnity,  
&c. to be  
given.

15. (1.) Where a defendant is or claims to be entitled to contribution, indemnity, or other remedy or relief over against any person not a party to the action, he shall, five clear days before the return-day, file a notice, which notice may be in the form or to the effect of the form in the schedule, with such variations as circumstances may require, and

(*f*) *Ante*, p. 90.(*g*) *Ante*, p. 93.(*h*) *Ante*, pp. 93, 94.(*i*) *Ante*, pp. 94, 95.(*k*) *See ante*, p. 98.(*l*) *Ante*, p. 99.(*m*) *Ante*, p. 111.(*n*) *See ante*, p. 100.

the registrar shall seal such notice and deliver it to the defendant, who shall serve the same, together with a copy of the summons on the plaintiff and of the particulars annexed thereto, upon the person against whom such claim is made; and such service shall be regulated by the rules as to service of default summonses.

Form 312.

16. (2.) If any person served with a notice under the last preceding rule desires to dispute the plaintiff's claim in the action as against the defendant on whose behalf the notice has been given, he must appear at the court on the return-day mentioned in the summons, or on any day to which he may have received notice from the registrar that the trial has, under Order XXXVII., rule 30 (o), been postponed; and in default of his so doing he shall be deemed to admit the validity of the judgment obtained against such defendant, whether obtained by consent or otherwise.

If person served makes default in appearing, he is to be deemed to admit validity of judgment against defendant.

17. (3.) Any person served with a notice under the last preceding rule but one, or the defendant in the action, may apply at or before the trial to the judge for directions as to the conduct of the action, and as to any proceedings or notices therein, and upon such application the judge may order such person to be substituted for, or to be joined with, the defendant in the action, upon such terms as to security or otherwise as may seem just, and generally may direct such proceedings to be taken and give such directions as he shall think proper.

Application to judge for directions as to conduct of action.

(See Order XXXVII. rule 30.)

## ORDER XII.

### DISCONTINUANCE, &C.

18. Order XII., rule 1 (p), is hereby annulled, and the following shall stand in lieu thereof:—

Order XII. rule 1a.

If the plaintiff desires to discontinue the action or matter against all or any of the parties thereto, he shall give notice (which shall, if required, be in writing) thereof to the registrar, and, by post or otherwise, to the party or parties as to whom he so desires to discontinue the action or matter, and after the receipt of such notice the party may apply *ex parte* for an order against the plaintiff for the costs incurred before the receipt of such notice, and of attending the court to obtain the order.

Discontin- uance of action.

Form 224.

19. Where a notice of defence under section one of "The County Courts Act, 1875" (q), has been given, and the defendant, before notice of the day fixed for the trial by the registrar has been sent to the plaintiff, pays into court the amount claimed, together with the fees and costs charged on the summons, he shall not be liable for any further costs. Where notice of trial has been so sent, it shall be lawful for the court to order the defendant to pay such further fees and costs as the plaintiff may have, prior to receiving notice from the registrar of the payment into court, incurred in preparing for trial, and may incur in attending court on the day fixed for the trial to obtain this order, and such order shall be for payment forthwith; and the costs of any proceeding special to admiralty actions *in rem*, may be allowed on the principle of the scale of costs applicable to actions in general.

Order XII. rule 6a.

Where pay- ment made after notice of defence given.

Order XII., rule 6 (r), is hereby annulled, and the following shall stand in lieu thereof:—

Order XII. rule 6a.

20. Where a defendant pays into court any sum admitted by him to

Where amount

(o) *Ante*, p. 146.(q) *Ante*, p. 3.(p) *Ante*, p. 102.(r) *Ante*, p. 105.

admitted  
includes  
amount of a  
set-off or  
counter-  
claim.

be due after deducting any amount he may claim as a set-off or counter-claim, he shall pay therewith court fees proportionate to the total amount of the sum paid in, and of the sum he claims by way of set-off or counter-claim.

## ORDER XVII.

### AMENDMENT (s).

Order XVII.  
rule 12a.  
Notice to an  
added de-  
fendant.

21. Where a defendant is added a copy of the order of the court adding him as a defendant in the action, together with a copy of the summons on the plaintiff, and a notice as to the day upon which he is to attend at the court, shall be served according to the rules as to service of ordinary summonses.

## ORDER XVIII.

### JUDGMENTS AND ORDERS.

Order XVIII.  
rule 88a.

22. Order XVIII., rule 38 (t), is hereby annulled.

## ORDER XIX.

### ENFORCEMENT OF JUDGMENTS AND ORDERS.

Order XIX.  
rule 9a.

23. Order XIX., rule 9 (u), shall be read as if the words "or is employed" had been inserted after the word "business" in such rule.

Order XIX.  
rule 20a.

24. In Order XIX., rule 20 (x), for the words "no such order shall issue, or if issued but not executed, shall be recalled," the words "such order shall not issue: but, if issued and not executed, it shall be recalled," are hereby substituted.

## ORDER XXIV.

### ATTACHMENT OF DEBTS (y).

Order XXIV.  
rule 4a.  
Service on a  
firm or com-  
pany.

25. Where the garnishee is a firm or is a company or other corporation the summons need not be served personally, but it may be served as provided by Order VIII. (z), with respect to the service of an ordinary summons.

## ORDER XXXI.

### PROCEEDINGS UNDER TRUSTEE RELIEF ACT, &c.

Order XXXI.  
rule 21a.

26. In Order XXXI., rule 21 (a), for the words "the preceding rules relating" the words "such of these rules as relate" are hereby substituted.

## ORDER XXXIII.

### ADMIRALTY ACTIONS.

Order  
XXXIII.  
rule 6a.

27. Order XXXIII., rule 6 (b), shall be read as if the words "enter a plaintiff, and" had been inserted after the word "shall" in such rule.

Order  
XXXIII.  
rule 10a.

28. In Order XXXIII., rule 10 (c), for the word "admiralty" the word "justice" is hereby substituted.

(s) See *ante*, pp. 109—111.

(t) *Ante*, p. 116.

(u) *Ante*, p. 117.

(x) *Ante*, p. 118.

(y) See *ante*, p. 124.

(z) See *ante*, pp. 94—98.

(a) *Ante*, p. 134.

(b) *Ante*, p. 136.

(c) *Ante*, p. 136.

## ORDER XXXVI.

## COSTS.

29. Order XXXVI., rule 13 (d), shall be read as if the words "and costs" were not therein.

Order  
XXXVI.  
rule 13a.  
Order  
XXXVI.  
rule 14.

30. Item 2 in Part I. and item 3 in Part II., and 3 and 4 in Part III., and a moiety of any item for "affidavit of service with copy of summons annexed, attending to file, and entering up judgment by default," in the scale of costs for actions not exceeding 20*l.* (e), shall not be entered on the summons; and where counsel is employed, and an amount of not less than five pounds is claimed, one pound three shillings and sixpence may be allowed by the court in addition to the item for the attendance in court of a solicitor.

31. Where a counter-claimant fails to establish his counter-claim, he may be ordered to pay to the plaintiff costs on such scale as the court may think just, and where he succeeds in establishing his counter-claim, the plaintiff may be ordered to pay to him costs on such scale as the court may think just.

Order  
XXXVI.  
rule 15.

32. In admiralty actions *in rem* where the amount claimed does not exceed twenty pounds, the costs shall be allowed on the scale in actions above twenty pounds, unless the judge shall be of opinion that proceedings *in rem* ought not to have been taken, and shall otherwise order; and the costs of any proceeding special to admiralty actions *in rem* may be allowed on the principle of the scale applicable to actions in general.

Order  
XXXVI.  
rule 16.

## ORDER XXXVII.

## PRACTICE.

33. In Order XXXVII. rule 1 (f), for the words "one month" the words "two months" shall be substituted.

Order  
XXXVII.  
rule 1a.

34. Order XXXVII. rule 23 (g), is hereby annulled.

Order  
XXXVII.  
rule 23a.

35. Where the time for doing any act or taking any proceeding expires on a Sunday, or other day on which the offices are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken if done or taken on the day on which the offices shall next be open.

Order  
XXXVII.  
rule 34a.

## ORDER XXXIXA.

## THE LOCAL LOANS ACT, 1875.

36. An application to a county court for the appointment of a receiver under the provisions of section twelve of "The Local Loans Act, 1875" (h), shall be made by petition, and the same procedure shall

Order  
XXXIXa.  
Application  
for appoint-

(d) *Ante*, p. 143.

(e) See *ante*, p. 269.

(f) *Ante*, p. 143.

(g) *Ante*, p. 145.

(h) This act (88 & 39 Vict. c. 83), amending the law relating to securities for loans contracted by local authorities, gives a remedy by action (in which a mandamus may be claimed) in default of payment of

any sum due. Sect. 12 provides that if a local authority makes default for twenty-one days in paying an amount of not less than 500*l.*, the person entitled may, instead of or in addition to bringing an action, "apply to the county court for the appointment of a receiver, and any receiver so appointed (subject to any direction which may be given by the court)

ment of a receiver to be by petition.

Application for rectification of register of nominal securities to be by petition.

To what court petition to be presented.

be followed and the same fees be paid and costs allowed as on any other petition to the court in which the subject-matter of the petition exceeds 100*l*.

37. An application to the judge of a county court for the rectification of a register of nominal securities under the provisions of section twenty-five of "The Local Loans Act, 1875" (i), shall be made by petition, and the same procedure shall be followed, and the same fees be paid, and costs allowed, as on any other petition to the court in which the subject-matter of the petition exceeds 20*l*. and does not exceed 100*l*.

38. The court to which petitions shall be presented under the two last preceding rules shall be the court of the district in which the local authority exercises its authority.

shall from time to time raise, as hereinafter mentioned, by or out of the local rate or property charged, sufficient money to pay the amount the payment of which is so in default, and all sums due while he is receiver on or in respect of any such security, together with all costs, charges and expenses incurred in or about the appointment of such receiver, and the execution of his duties under this section, including a proper remuneration for his trouble, and shall render to the defaulting authority the balance, if any, remaining in his hands after making the said payments." The same section, after giving power to the receiver to raise the amount by means of the local rate, and by receipt of rents and profits when the amount due is charged on other property, enacts that, "a county court may appoint a receiver under this section with respect to any local rate levied, or any property situate wholly or partly within the jurisdiction of such court, and may remove such receiver and appoint another in his stead, and so from time to time; and may make such orders and give such directions as to the powers and duties of the receiver, and otherwise as to the disposal of the moneys received by him, as may be thought fit for carrying this section into effect."

(i) By the act cited a register of securities is required to be kept, including the names and addresses of owners, and by s. 25, "if the name of any person is without sufficient cause entered in or omitted from the register, or if default is made or unnecessary delay takes place in making any entry in such register, the person aggrieved or the local authority may apply to the court for an order that the register may be rectified." The court may either refuse the application with or without costs, or make an order for the rectification of the register, and make an order as to costs or damages, and decide any question relating to the title to have a name entered or omitted from the register, and generally any question necessary or expedient to decide for the rectification of the register. The court means "any of her Majesty's superior courts of law or equity, or any court to which the jurisdiction of such courts may be transferred, and, where the value of any security or securities to which the application relates does not exceed 50*l*., shall include a county court, and the jurisdiction by this act given to a superior court may be exercised in a summary manner by any judge or judges of such court sitting in chambers or otherwise."

SCHEDULE.

262 (in lieu of No. 19) (a).

*Notice of Day of Trial where Notice of Defence given.*

In the county court of, &c.

Between A. B., plaintiff,

and

C. D., defendant.

Take notice, that the defendant has given notice of his intention to defend this action, and that the same will be tried at a court to be holden at [*insert court-house*] on the       day of       187 , at       o'clock in the noon.

To the plaintiff.

38 & 39 Vict.  
c. 50.

263.

*Notice to Defendant of Day of Trial.*

In the county court of, &c.

Between A. B., plaintiff,

and

C. D., defendant.

You having given notice of your intention to defend this action, take notice that the same will be tried at a court to be holden, &c.       on       day of       187 , at       o'clock in the       noon.

To the defendant.

38 & 39 Vict.  
c. 50.

264.

*Letter to be sent with Default-Summons out of the District under Sect. 1 of "The County Courts Act, 1875," or "Bills of Exchange Act, 1855."*

In the county court of       holden at       .  
Sir,

Order II.  
rule 5.

I hereby request that you will have the accompanying summons personally served, and return the enclosed copy of the same to me, properly endorsed, showing the fact and mode of the service. The defendant is stated to reside at       .

On presentation of this letter to the treasurer of your court, he is to pay you the fee of       shilling .

Your obedient servant,  
Registrar.

To high bailiff  
of the county court of  
holden at       .

(a) *Ante*, p. 159.

265.

*Notice by Registrar rejecting Affidavit.*Order II.  
rule 13.

I hereby give you notice that I reject the affidavit of \_\_\_\_\_ of \_\_\_\_\_  
 the \_\_\_\_\_ day of \_\_\_\_\_ and refuse to file the same, and my reasons for rejecting  
 such affidavit and refusing to file same are as follows:—  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_ .

Registrar.

To the above-named plaintiff or defendant.

266.

*Notice to High Bailiff of Foreign Court of Complaint against him.*Order II.  
rule 25.

Take notice that an application will be made to the judge of this court on the  
 \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, for an order directing you to compensate the plaintiff  
 for loss of time and expense incurred by him owing to your neglect to return  
 the copy of the summons in this action within due time.

267 (in lieu of No. 18). (b)

*Notice of Service of Default Summons.*Order II.  
rule 27.

You are hereby informed that the defendant was on the \_\_\_\_\_ day of \_\_\_\_\_  
 187\_\_\_\_, served with the summons issued in this action.

High bailiff.

To the plaintiff.

268 (in lieu of No. 18). (b)

*Notice of Non-Service of a Default Summons.*Order II.  
rule 27.

Take notice, that the summons in this action has not been served, for the  
 following reason:—

High bailiff.

To the plaintiff.

269.

*High Bailiff's Warrant to Registrar of Foreign Court.*9 & 10 Vict.  
c. 95, s. 104.  
Order II.  
rule 31.

Whereas the warrant of execution hereto annexed has been issued out of  
 this court against the goods and chattels of \_\_\_\_\_ :

And whereas the goods and chattels of \_\_\_\_\_ are out of the ordinary jurisdic-  
 tion of this court, and are [or is] believed to be within the jurisdiction of the  
 county court of \_\_\_\_\_ holden at \_\_\_\_\_ of which you are the registrar:

[Or, Whereas the order of commitment hereto annexed has been made  
 against \_\_\_\_\_ :

And whereas he is out of the ordinary jurisdiction of this court, and is be-  
 lieved to be within the jurisdiction of the county court of \_\_\_\_\_ holden at \_\_\_\_\_ ]:

These are therefore to require you to cause the said warrant [or order] to be  
 executed within the ordinary jurisdiction of the said last-mentioned county court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

High bailiff of the county court  
of \_\_\_\_\_ holden at \_\_\_\_\_ :To the registrar of the county court  
of \_\_\_\_\_ holden at \_\_\_\_\_ .(b) *Ante*, p. 158.

## 270.

*Notice to Receiver to produce his Accounts for Audit.*

You are hereby required, on or before the       day of       187   , to leave       at my office your accounts as receiver in this action [*or* petition *or* matter], duly verified by affidavit, and to attend at my office aforesaid at       o'clock in the noon for the purpose of having such accounts audited, and you are required to bring with you all receipts, papers, and vouchers necessary for verifying such accounts.

Order III.  
rule 4.

To E. F.,  
receiver in this action [*or*  
petition *or* matter].

## 271.

*Order on Receiver to pay to Beneficiaire.*

Upon the application of       it is ordered that X. Y., of       appointed by       an order of this court, dated the       day of       , the receiver in this action [*or* matter], do pay at the end of each quarter to       the moneys received by him during the quarter as such receiver, after deducting his own remuneration and all other proper disbursements; and that he be allowed such payments in passing his accounts.

Order III.  
rule 7.

(Note.—Where the court at the time of appointing the receiver adds a similar direction, it can be prepared from this form.)

## 272.

*Bond for Costs where Plaintiff out of England.*

Know all men by these presents that we A. B. of       C. D. of       and E. F. of       are held and firmly bound to G. H. of       in the sum of £       to be paid to the said G. H. or his certain attorney, executors, administrators or assigns, which payment to be well and truly made we bind ourselves jointly and severally, and our and each of our heirs, executors, and administrators, firmly, by these presents.

Order IV.  
rule 2.

Scaled with our seals and dated this       day of       18   .

Whereas a plaint was upon the       day of       entered by the above-named A. B. against the above-named G. H. in the county court of       holden at      

And whereas it appeared upon the entry of such plaint that the said A. B. did not reside in England or Wales: And whereas it is directed by rule 2 of order 4 of "The County Court Rules, 1875," that the summons shall not be issued until security for costs, by deposit or otherwise, shall have been given to the satisfaction of the registrar of the court:

And whereas the said A. B. and the above bounden C. D. and E. F. as sureties for the said A. B. have agreed to give such security by entering into the above written bond or obligation with the condition hereunder written, and the security has been approved of by the registrar of the said county court:

Now the condition of the above written bond is such, that if the said A. B., the plaintiff, or any plaintiff substituted in his stead, discontinue, or become nonsuit in the said action, or in case the said action is referred to arbitration, and an award is made against the said A. B. or any substituted plaintiff therein, showing that he is not entitled to recover therein, or if the said G. H. the defendant, or any substituted defendant, obtain a judgment or verdict or any other judgment therein, then or in either of the said cases if the above bounden A. B., C. D. and E. F., or either of them, their or either of their heirs, executors or administrators, do pay or cause to be paid to the said G. H.,



his executors, administrators or assigns, his or their costs to be taxed in the said action, then this obligation to be void and of no effect, or otherwise to be and remain in full force and virtue.

## 273.

*Notice by Solicitor of Intention to serve Summons.*

Order IV.  
rule 6.

I hereby give you notice that I                      the solicitor acting for the plaintiff herein, or some clerk or servant in my permanent and exclusive employ, will serve the summons in this action pursuant to order 4, rule 6, of the County Court Rules, 1875.

Dated this                      day of                      .

L. M. of

To the registrar and  
to the defendant.

Plaintiff's solicitor.

## 274.

*Affidavit of Service of Summons by Solicitor.*

Order IV.  
rule 7.

I, L. M. of                      the solicitor for the above-named plaintiff (or X. Y., a clerk [or servant] in the permanent and exclusive employ of L. M., solicitor for the above-named plaintiff), make oath and say:

1. That I [*where service made by a clerk or servant, am a clerk [or servant] in the permanent and exclusive employ of L. M. of                      above-named solicitor, and that I am over                      years of age.*]

2. That I] did on the                      day of                      18                      , duly serve E. F. the above-named defendant [or one of the above-named defendants] with a summons, a true copy whereof is hereunto annexed marked "A." by delivering the same personally to the said defendant [*here insert place where service was made.*].

Sworn at                      in the county of  
this                      day of                      187                      .

(*Indorse the copy-summons or other process thus:—This paper marked "A." is the paper referred to in the annexed affidavit.*)

## 275.

*Order for substituted Service.*

38 & 39 Vict.  
c. 50, s. 1.

Order VIII.  
rule 23.

Order  
XXXIII.  
rule 25.

Upon reading an affidavit of                      of                      in the county of                      sworn the                      day of                      187                      :

It is ordered that the delivery of a sealed copy of the summons issued in this action, together with a sealed copy of this order, to some adult inmate at the usual or last known place of residence or business of the above-named defendant C. D., situate and being at                      in the county of                      shall be deemed to be good and sufficient service of the said summons on the said C. D. on the day of such delivery.

[Or, that notice of the entry of the above-named plaint be published in the                      and that the publication of such notice shall be deemed to be service of the summons upon the said C. D., or that the plaintiff be at liberty to proceed in this action the same as if personal service had been effected.]

Dated this                      day of                      18                      .

Registrar.

## 276.

*Substituted Service—Notice in Papers.*

In the county court of                      holden at  
To C. D. of                      .

Take notice that a plaint has been entered and a summons issued against you in the above county court by A. B. of                      for the sum of £                      for goods sold and delivered [*or as the case may be*], and an order has been made that the publication of a notice of the entry of such plaint in the                      shall be deemed to be service of the summons upon you. 38 & 39 Vict.  
c. 50, s. 1.  
Order VIII.  
rule 88.  
Order  
XXXIII.  
rule 25.

The summons will be heard at                      on the                      day of                      at                      o'clock in the forenoon, on which day you are required to appear, and if you do not appear either in person or by your solicitor at the time and place above mentioned, such order will be made and proceedings taken as the judge may think just and expedient.

Dated this                      day of                      18                      .

Registrar.

## 277.

*Notice of Postponement of Trial.*

I hereby give you notice that the trial of the above action is postponed until the                      day of                      18                      , at                      o'clock in the forenoon, and if you do not attend at the court-house at                      upon the day and at the hour above mentioned, either in person or by your solicitor, such order will be made and proceedings taken as the judge may deem fit. Order X. and  
Order  
XXXVII.  
rule 30.

Dated this                      day of                      18                      .

Registrar.

## 278.

*Order appointing a Receiver of Real and Personal Estate.*

Upon the application of                      and upon reading an affidavit of                      and                      upon hearing Order XI.  
rule 8.

It is ordered that                      of                      be appointed to receive the rents and profits of the real and leasehold estates of and to get in the outstanding personal estate of                      the testator [*or intestate*] in the plaint named; and the tenants of the real and leasehold estates are to attorn and pay their rents in arrear and growing rents to such receiver.

And it is ordered that the defendants, the executors of the testator [*or administrators of the intestate*], deliver over to such receiver all securities in their hands for such outstanding personal estate, together with all books and papers relating thereto.

## 279.

*Order appointing a Receiver of a Partnership.*

Upon the application of                      and upon reading an affidavit of                      and                      upon hearing Order XI.  
rule 8.

It is ordered that                      of                      be appointed to collect, get in and receive the debts now due and outstanding, and other assets and property belonging to the partnership business of                      at                      and out of the first moneys received to pay the debts due from the said business.

And it is further ordered that the plaintiff and defendant respectively do

deliver over to the said                    all the stock in trade and effects of the said partnership, and also all securities in their or either of their hands for such outstanding partnership estate, together with all books and papers relating thereto.

---

280.

*Notice of Application for Order in the nature of Injunction.*

Order XI.  
rules 1 and 3.

Take notice that I, A. B., intend to apply at the sitting of the court to be held at                    [or to Mr. Judge                    at                    ] on the                    day of                    18                    , at                    o'clock in the                    noon, for an order in the nature of an injunction to restrain C. D. of                    [or to restrain him from receiving and giving discharges for any of the debts due to the partnership in the matter of the partnership between us for the winding-up of which the action was commenced, or from digging the turf from the land which was agreed to be sold by him to me by the agreement, the specific performance of which this action is commenced to enforce, or as the case may be].

Dated this                    day of                    18                    .

A. B.

To C. D., of                    .

---

281.

*Notice of Payment into Court of whole Claim.*

Order XII.  
rule 4.

Take notice, that the defendant has paid into court the full amount of your demand in this action, together with your costs therein.

[N.B.—Upon your applying for the above amount it will be necessary that you should produce the plaint note given to you on the entry of the plaint.]

---

282.

*Notice of Payment of Part of Claim into Court.*

Order XII.  
rule 4.

Take notice that the defendant has this day paid into court the sum of £                    : If you elect to accept the same in full satisfaction of the sum claimed, and the costs you have incurred, and send to the registrar of this court, and to the defendant, a written notice forthwith, by post, or by leaving the same at the registrar's office and at the defendant's place of abode or business, the action will be discontinued, and you will be liable to no further costs. In default of such notice the action may proceed, and if you do not appear at the hearing you will be liable to pay to the defendant such costs as he may incur for appearing at the hearing, or such other sum of money as the judge may order, for expenses subsequent to the payment into court.

Dated this                    day of                    18                    .

Registrar of the court.

To the plaintiff.

[N. B.—Upon your applying for the above amount it will be necessary that you should produce the plaint-note given to you on the entry of the plaint.]

---

283.

*Judgment against Defendant for Payment of Costs.*

Order XVI.  
rule 11.

Upon hearing the plaintiff's application at a court holden this day, it is adjudged that the plaintiff do recover against the defendant the sum of

£ for costs incurred by the plaintiff in preparing for trial [*or* in attending court] before the notice of payment of money into court was received by him, such money having been so paid in less than five clear days before the return day of the summons.

And it is ordered, that the defendant do pay the same to the registrar of this court on the            day of            18    .

---

284.

*Notice of Discontinuance of Action.*

Take notice, that I shall not proceed further in this action, and that I hereby withdraw from the same. Order XII.  
rule 1.

Dated this            day of            .

Plaintiff.

To the registrar.

---

285.

*Order for Interrogatories.*

Upon reading the affidavit of            I do order that the            be at liberty Order XIII.  
rule 6.  
to deliver to the            or his solicitor, on or before the            day of            18    , interrogatories in writing upon the matters as to which discovery is sought in this action, and that the            do, on or before the            day of            18    , answer the questions in writing by affidavit, and return such answers to me for filing.

Dated this            day of            .

Registrar or judge.

---

286.

*Order for production of Documents.*

Whereas            of            was duly summoned under a summons of this Order XIII.  
rule 4.  
court dated the            day of            to produce at the trial of this action upon rule 4.  
this            day of            the following papers and documents:

(*Here set out documents contained in summons.*)

And whereas the said summons was duly served upon the said            upon the            day of            :

And whereas the said            has failed to produce the said documents above set out, or any or either of them [*or* has failed to produce the following document            being            of the documents above set out]:

And whereas it has been proved to the satisfaction of this court that the documents above set out [*or* the following documents            being            of the documents above set out] are in the possession, power, or control of the said            , and that they relate to the matters in dispute in this action :

It is ordered that the said            do on or before the            day of            produce and leave with the registrar of this court, at his office situate at            the said following documents; namely,            .

---

287.

*Notice of Application for further Order for production.*

Let all parties concerned attend at            on            the            day of            at Order XIII.  
rule 3.  
o'clock in the forenoon, on the hearing of an application on the part

D.C.C.

X

## SUPPLEMENT TO DAVIS' COUNTY COURTS.

of \_\_\_\_\_, to consider the objection made by the affidavit of the \_\_\_\_\_, filed the \_\_\_\_\_ day of \_\_\_\_\_, pursuant to the order dated the \_\_\_\_\_ day of \_\_\_\_\_, to produce the documents set forth in the second part of the first schedule thereto [or as may be].

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

Registrar.

To the plaintiff and defendant. \_\_\_\_\_

288.

*Notice to Admit and Inspect.*

Order XIII.  
rule 9.

Take notice, that the plaintiff [or defendant] in this cause proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the defendant [or plaintiff], his solicitor or agent, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 187\_\_\_\_, between the hours of \_\_\_\_\_ and \_\_\_\_\_, and the defendant or plaintiff is hereby required within 48 hours from the last-mentioned hour to admit, saving all just exceptions to the admissibility of all such documents as evidence in this cause, that such of the said documents as are specified to be originals were respectively written, signed, or executed as they purport respectively to have been, that such as are specified as copies are true copies, and that such documents as are stated to have been served, sent, or delivered, were so served, sent, or delivered respectively.

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
To E. F., solicitor for defendant \_\_\_\_\_ G. H., of \_\_\_\_\_ solicitor for plaintiff  
[or plaintiff]. [or defendant].

ORIGINALS.

Description of Document.	Dates.
Deed of covenant between A. B. of the first part, and C. D. of the second part.	January 1, 1848.
Letter—defendant to plaintiff - - - -	March 1, 1848.

COPIES.

Description of Document.	Dates.	Original or Duplicate served, sent, or delivered, when, how, and by whom.
Register of baptism of A. B., in the parish of X.	January 1, 1848 -	_____
Letter—plaintiff to defendant -	February 1, 1848 -	Sent by General Post, February 2nd, 1848.

289.

*Affidavit of Service of Summons on a Witness.*

Order XIV.  
rule 1.

I \_\_\_\_\_ of \_\_\_\_\_ the above-named plaintiff [or defendant, or I, L. M., of \_\_\_\_\_ the solicitor for the above-named plaintiff or defendant, or X. Y., a clerk or

servant in the permanent and exclusive employ of L. M., the solicitor for the above-named plaintiff or defendant] make oath and say as follows:—

1. That I [*where service made by a clerk or servant*, am a clerk [*or servant*] in the permanent and exclusive employ of L. M., of the solicitor for the above-named plaintiff or defendant.

2. That I did on the                      day of                      18                      , duly serve the witness E. F., of                      with a summons, a true copy of which is hereunto annexed marked "A," by delivering the same personally to the said witness E. F., at in the county of                      .

3. That I paid the said witness E. F., at the same time and place, the sum of                      conduct money in accordance with the authorized scale of allowances to witnesses in this honourable court.

Sworn at

(*Indorse the copy summons thus:—*This paper marked A. is the paper referred to in the annexed affidavit.)

## 290.

*Notice to Registrar of Change in Plaintiff's Title before Judgment.*

I hereby give you notice that                      , the plaintiff in the above action, died upon the                      day of                      , and that his last will and testament were duly proved by me in the principal [*or district*] registry of the Probate Division of her Majesty's High Court of Justice [*or that letters of administration to his personal estate and effects were duly granted to me*] upon the                      day of                      18                      , and that I am the executor of his said will [*or that I am the administrator of the personal estate and effects of the said deceased*].

Order XV.  
rule 1.

By executor  
or administra-  
trator.

[*Or*, the above-named                      by an assignment dated the                      day of                      18                      , duly assigned all his interest in the subject matter of the above action to me, the undersigned.]

By assignee.

And further take notice that I am desirous of being substituted as plaintiff in the above action against the above-named defendant in the place of the said                      [*or in addition to the said plaintiff*].

Dated this                      day of                      .

(*Signature.*)

To the registrar of the court,  
and to the above-named  
defendant.

## 291.

*Notice to Defendant of Change in Plaintiff's Title.*

I hereby give you notice, that                      of                      as executor of the last will and testament of                      deceased [*or as administrator of the personal estate and effects of                      deceased*] [*or as assignee under an assignment dated the                      day of                      18                      ]* has this day filed an affidavit, together with a notice, a copy of which notice is hereunto annexed, stating that he is desirous of being substituted as a plaintiff in the above action against you in the place of                      [*or added as a plaintiff with*] the above-named plaintiff in the above action against you.

Order XV.  
rule 1.

And further take notice that unless you appear at the hearing of this action upon the                      day of                      18                      , at                      o'clock in the forenoon, to show cause against the same, the said                      will be substituted for [*or made a joint plaintiff with*] the above-named plaintiff.

N.B.—*Similar notices upon change in defendant's title before judgment may be prepared from this and the last form,*

Order XV.  
rule 2.



And further take notice that the hearing of the above action has been adjourned to the       day of       at       o'clock in the forenoon, and that if you do not attend at the court house at       upon the day and at the hour above mentioned, either in person or by your solicitor, such order will be made and proceedings taken as the judge may think fit.

Dated this  
To S. F. of

Registrar.

295.

*Summons to Parties to attend upon taking Accounts.*

Let all parties concerned attend me at my chambers       on the       Order XVIII  
day of       18       , at       o'clock in the forenoon, to proceed with the       rule 17.  
accounts and inquiries directed by the decretal order herein dated the  
day of       187       .

Dated this       day of       .

Registrar.

296.

*Certificate of Payment by a Prisoner.*

The Debtors Act, 1869.

I hereby certify that the defendant, who was committed to my [or your]       Order XIX.  
custody by virtue of an order of commitment under the seal of this court [or of       rule 25.  
the county court of       holden at       ], bearing date the       day of       .  
187       , has paid and satisfied the sum of money for the non-payment whereof he  
was so committed, together with all costs due and payable by him in respect  
thereof; [*and where the certificate is sent by the registrar:* and that the  
defendant may, in respect of such order, be forthwith discharged out of your  
custody].

Dated [or given under the seal of the court] this       day of       18       .  
Governor or keeper of [or registrar of the  
county court of       holden at       ].

To the governor or keeper of [or  
the registrar of the county court  
of       holden at       ].

297.

*Notice to be Endorsed on Order under Order 19, Rule 28.*

To A. B. of

Take notice that unless you obey the directions contained in this order,       Order XIX.  
obedience thereto will be enforced in such manner as the law directs.       rule 28.

Dated this       day of       .

Registrar.



298.

*Affidavit for leave to summon Garnishee.*

Order XXIV. I, A. B. of                      in the county of                      the above-named plaintiff, make  
rule 2. oath and say :

1. That I, on the                      day of                      last, recovered a judgment in the county court of                      , holden at                      , in this action against the above-named defendant, for the sum of £                      debt and costs.

2. That the said judgment is still wholly unsatisfied, *or* is still unsatisfied to the sum of £                      part of the said judgment so recovered as aforesaid.

3. That M. N. of                      in the county of                      is indebted to the said defendant in the sum of £                      for                      .

4. That the said M. N. resides or carries on business within the district of this honourable court [*or* that the cause of action between the said defendant and the said M. N. arose wholly or in part within the district of this honourable court, *or* that the said M. N. dwelt or carried on business within the district of this honourable court within six calendar months of this, the                      day of                      18                      ].

Sworn, &c.

299.

*Summons upon a Garnishee (in lieu of No. 100). (c)*

Between A. B., plaintiff,  
(address and description)

and  
C. D., defendant,  
(address and description)

and  
E. F., garnishee,  
(address and description).

Order XXIV. Whereas the plaintiff at a court holden at                      on the                      day of                      18                      , obtained a judgment against C. D. of [*name, address, and description*] for the sum of                      for                      and costs, which judgment remains unsatisfied. And whereas the plaintiff having filed an affidavit stating that you are indebted to the said C. D. you are hereby summoned to appear at a court holden at                      on the                      day of                      18                      , at the hour of                      in the                      noon, to show cause why an order should not be made upon you for the payment of the amount of the said judgment, or so much thereof as shall equal the amount of the debts due and owing and accruing from you to the said C. D.

And take notice, that from and after the service of the summons upon you all such debts are attached to answer the said judgment, and that if you shall pay the said debts to the said C. D., or otherwise dispose of them, you will be liable to be committed for contempt.

And further take notice, that if you shall pay to the registrar of the court the amount of such debts, or so much thereof as will satisfy the judgment debt, five clear days before the day you are required to appear, you will incur no costs.

Registrar of the court.

To the garnishee.

(Note.—*Rules 5 and 6 of Order 24 to be printed on back of summons.*)

(c) *Ante*, p. 196.

300.

*Return and Certificate from Foreign Court.*No. of Plaint.  
No. of Warrant.

Return to above Warrant of Execution [*or* Commitment] from the high Order XXVI.  
 bailiff of the county court of holden at to the high bailiff rules 2, 3.  
 at the county court of holden at .

	£	s.	d.	£	s.	d.
Gross amount levied or received .. ..						
Payments in deduction.						
Man in possession days, on £ , value of goods seized.						
For appraisement fees on £ .. ..						
Paid for stamp .. ..						
For fees of sale on £ .. ..						
For rent to landlord .. ..						
Extra possession under claim days (actual costs).						
Costs of interpleader ordered by court to be deducted out of the proceeds.						
Net amount paid to the credit of the execution creditor £						

High Bailiff.

I hereby certify that the above charges are correct, and that the sum of Certificate.  
 £ was paid into court this day of 187 .

Registrar.

301.

*Notice by Registrar of Day and Hour upon which Bond to be executed.*

Take notice, that I have appointed the day of 18 , at Order XXX.  
 o'clock in the forenoon, at my office, for the and his sureties to execute rule 1.  
 the bond proposed to be given in the above action.

[*To be added to notice to obligee* :—And further take notice that if you have  
 any valid objection to make to the sureties, or either of them, such objection  
 must then be made.]

Dated this day of 18 .

To the plaintiff [*or* defendant].

Registrar of the court.

302.

*Petition by Person interested in Funds in Court (in lieu of No. 227) (d).*28 & 29 Vict.  
c. 99.Order XXXI.  
rule 16.

In the matter of the County Courts Act, 1867, and .  
 In the matter of an affidavit by E. F. of and G. H. of filed the  
 day of 187 .

[*State shortly the nature of the trust, as, e.g. :—*

Showeth,

1. That C. D., of , by his will dated the day of ,  
 (d) *Ante*, p. 254.

bequeathed to the said E. F. and G. H., his trustees named therein, all his residuary personal estate, on trust to pay the dividends and income thereof to his wife for her life, and after her death to divide the said trust funds among his children equally.

2. That the said E. F. and G. H. on the            day of            187    paid into this court the £            , being, as they allege, the balance of the said trust funds remaining in their hands at that date.

3. That your petitioner claims, as one of the children of the above-named C. D., to be entitled to one-fourth share of the said trust funds.

Your petitioner prays—

1. That the requisite directions may be given for payment to your petitioner one-fourth part of the said trust funds.

[or 1. That under the will of C. D. late of            deceased, your petitioner is entitled for his own benefit for his life to the income of the funds paid into court in this matter by E. F. and G. H.; your petitioner therefore prays

1. That such income may be to be paid to him for his life].

*Where the application is for the income for life only of the trust funds, the persons interested or claiming to be interested in the capital need not be served with the application, unless the court should otherwise direct.*

## 303.

*Notice of Day upon which Petition will be heard.*

In the matter of

Orde XXXI.  
rule 17.

Take notice, that the petition, a sealed copy of which is served herewith, will be heard at a county court to be holden at            on the            day of            18    , at the hour of            o'clock in the forenoon, and that if you do not attend either in person or by your solicitor at the time and place above mentioned, such order will be made and proceeding taken as the judge may think just.

Dated this            day of            .

Registrar of the court.

To            of            .

## 304.

*Summons under Section 114 of 9 & 10 Victoria, chapter 95, for assaulting a Bailiff of the Court whilst in the Execution of his Duty.*

9 & 10 Vict.  
c 95, s. 114.

In the county court of            , holden at            .

In the matter of a complaint made by C. D. of            , one of the bailiffs of the county court of            , holden at            , and section 114 of 9 & 10 Victoria, chapter 95.

To A. B. of            .

You are hereby summoned to appear at a county court to be holden at            , on the            day of            18    , at            o'clock in the forenoon, to answer a complaint made against you by C. D., one of the bailiffs of the said court, and to show cause why an order should not be made against you, under the 114th section of the County Courts Act, 1846, for payment of a sum not exceeding five pounds for an assault committed by you on the            day of            upon the said bailiff whilst in the execution of his duty as such bailiff [and also for that you did on the same day rescue or attempt to rescue certain goods levied by the said bailiff under process of this court].

Dated this            day of            .

Registrar.

[To be served personally 10 clear days before the return day.]

305.

*Notice under Order 32, Rule 8.*

I hereby give you notice that the judge of this court has directed me to inform you that your application for assessors to be summoned to assist him at the hearing of the above action is refused, he being of opinion that the appointment of such assessors is unnecessary in the present action.

Order XXXII.  
rule 8.

Dated this          day of          .

Registrar.

To          of          .

306.

*Notice of Leave given to defend.*

Take notice, that the defendant has obtained leave to defend this action at a court to be holden at          , on the          day of          , at the hour of          in the          noon.

Bills of Ex-  
change Act,  
1855.Order  
XXXVII.  
rule 48.

The defendant has obtained such leave on the ground set forth in an affidavit, a copy of which is hereunto annexed [and has paid to me the sum claimed by you, to abide the decision of the court] [or has given security for the amount claimed by you, and the costs of this action].

307.

*Notice to the Defendant of the Day on which Cause is to be heard upon Leave being given to defend.*Order  
XXXVII.  
rule 48.

You having obtained leave to defend this action, take notice that the same will be tried at          on the          day of          , at the hour of          in the          noon.

Bills of Ex-  
change Act,  
1875.

To the defendant.

308.

*Bond under Bills of Exchange Act, 1855.*

Know all men by these presents that we, A. B. of &c., C. D. of &c., and E. F. of &c., are jointly and severally held and firmly bound to G. H. of &c. in          pounds, to be paid to the said G. H. or his certain attorney, executors, administrators, or assigns. For which payment to be made we bind ourselves and each and every of us in the whole our and each of our heirs, executors, administrators, jointly and severally, firmly by these presents.

Order  
XXXVII  
rule 49.

Sealed with our seals, and dated this          day of          one thousand eight hundred and          .

Whereas an action under the Bills of Exchange Act, 1855 (18 & 19 Victoria, cap. 67), is now depending in the county court of          holden at          wherein the above-named G. H. is plaintiff and the above-named A. B. is defendant:

And whereas judgment was signed by the above-named G. H. against the above-named A. B. upon the          day of          18          , for £          , debt and costs, the above-named A. B. not having obtained leave to defend the said action:

And whereas the above-named A. B. has given notice of his intention to apply to the judge of the said county court under section 3 of the said act to set aside the said judgment so signed as aforesaid, and to allow him, the said A. B. to come in and defend the said action:

And whereas by Order XXXVII., rule 49, of the County Court Rules, 1875, it is provided that until the judge can hear the application under the said section of the act, execution shall be stayed, upon the defendant giving security to abide the decision of the judge:

I approve this  
bond.

And whereas the above-named C. D. and E. F. at the request of the said A. B. have agreed to enter into the above obligation for the purpose aforesaid, and the security to be hereby given has been approved of by the registrar of the said county court, as appears by his allowance in the margin hereof:

Registrar.

Now the condition of this obligation is such that if the above bounden A. B., C. D., and E. F., any or either of them, shall pay unto G. H., his executors, administrators, or assigns, the costs of the said application, if the court shall so order, and shall also, in case such application shall be dismissed, pay to the said G. H., his executors, administrators, or assigns, the said sum of        pounds        shillings and        pence, then this obligation to be void, otherwise shall remain in full force.

Signed, sealed, and delivered by the above-bounden A. B., C. D., and E. F., in the presence of

309.

### *Order for recovery of Tenement.*

19 & 20 Vict.  
c. 108, s. 52.

Upon the hearing of this cause at a court holden this day, it is ordered that the defendant do give to the plaintiff possession of a certain        situate at        on or before the        day of        18        , unless the rent in arrear for the said premises, amounting to £        , and the costs of this action be paid into court before such        day of        18        .

And it is adjudged that the plaintiff do recover against the defendant the sum of £        for costs of this action.

And it is ordered that the defendant do pay the same to the registrar of this court on or before the        day of        18        .  
To the defendant.

Take notice that if you do not pay the said rent and costs, or give such possession, a warrant may issue requiring the bailiff of the court to give possession of the said        to the plaintiff, and to levy the sum of £        above mentioned, together with further costs.

Hours of attendance, &c.

310.

### *Receipt for Money Levied.*

No.

— 18 .  
No. of plaint—  
No. of execution—

Amount received.

£        :        :       



In the county court of—, holden at—.

No.

No. of plaint— } Between — 18 plaintiff,  
No. of execution— } — defendant.

Received of the above-named—  
the sum of— pounds— shillings and  
— pence.

£        :        :        for — R. S. (possession man),  
— bailiff.

311.

*Undertaking in Writing by Defendant to perform Contract.*

Employers and Workmen Act, 1875.

No. of plaint.

In the county court of            holden at            .  
    Between A. B., plaintiff,  
    and  
    C. D., defendant.

Whereas it has been found by this court on the            day of            187   ,  
 that the defendant had broken the contract for the breach of which he was  
 summoned :

And whereas the court would have awarded to the plaintiff the sum of  
 £            by way of damages suffered by him in consequence of such breach,  
 and would have ordered him to have paid such sum, but that the defendant  
 was willing to give security for the performance by him of so much of the  
 contract as remains unperformed :

Now therefore I, the undersigned defendant, and we, the undersigned sureties  
 [or the undersigned surety], do undertake that the said defendant will perform  
 so much of the said contract as remains unperformed, that is to say [*here set  
 out so much of the contract as remains to be performed.*]

And I, the said defendant, and we [or I] the said sureties [or surety],  
 hereby severally acknowledge ourselves bound to forfeit to A. B., the plaintiff,  
 the sum of            pounds and            shillings, in case the said defendant fails  
 to perform what he has hereby undertaken to perform.

(Signed, *where not taken orally*)            C. D., defendant.  
    F. F., } sureties.  
    G. H., }

Taken [orally] before me this            day of            187   ,  
    Registrar of the court.

NOTE.—Where the undertaking is given orally, strike out the words “under-  
 signed” where they occur, and insert the word “orally” after “taken.”

312 (in lieu of Nos. 65 and 66) (c).

*Notice by Defendant to Third Party.*

No. of plaint.

In the county court of            187   . [*Here put the letter and number.*]  
    holden at            .  
    Between A. B., plaintiff,  
    and  
    C. D., defendant.

Order X(a).  
 rule 1.

To Mr. X. Y., of [*address and description*].

Take notice that this action has been brought by the plaintiff against the  
 defendant [*as surety for M. N., upon a bond conditioned for payment of 20l.  
 and interest to the plaintiff.*]

*The defendant claims to be entitled to contribution from you to the extent  
 of one-half of any sum which the plaintiff may recover against him, on the  
 ground that you are his co-surety under the said bond [or, also surety for  
 the said M. N., in respect of the said matter, under another bond made by  
 you in favour of the said plaintiff, dated the            day of            , A.D. ]*

[*Or as acceptor of a bill of exchange for 50l., dated the            day of            ,  
 A.D.            , drawn by you before and accepted by the defendant, and pay-  
 able three months after date.*]

*The defendant claims to be indemnified by you against liability under  
 the said bill, on the ground that it was accepted for your accommodation.]*

(c) *Ante*, pp. 185, 186.

[Or to recover damages for a breach of a contract for the sale and delivery to the plaintiff of 100 tons of coal.

*The defendant claims to be indemnified by you against liability in respect of the said contract, or any breach thereof, on the ground that it was made by him on your behalf and as your agent.]*

And take notice that if you wish to dispute the plaintiff's claim in this action as against the defendant C. D., you must appear at this court on the return day of the summons in this action, a copy of which summons is hereunto annexed.

In default of your so appearing, you will not be entitled in any future proceeding between the defendant C. D. and yourself to dispute the validity of the judgment in this action, whether obtained by consent or otherwise.

(Signed) C. D.

Or,

L. M.,  
Solicitor for the defendant  
C. D.

[Note.—Replevin bonds now require to be stamped, as 5 Geo. 4, c. 41, referred to in the notes to Forms 183 and 184 (*f*), is repealed by the Stamp Act, 1870.]

(*f*) See *ante*, pp. 232, 233.

# FORMS OF BOOKS

REFERRED TO IN

ORDER II., RULES 2(a) AND 17,

And other Rules.



## BOOK A.—ORDINARY AND DEFAULT

Plaints, Minutes of Judgments,

Date of entry of Plaintiff, &c., or Counter-claim.	Number of Plaintiff, &c., or Counter-claim.		Name, Residence, and Trade of		Miles from Court House.	Particulars of Debt or Claim.	Amount claimed or value of Subject-matter.		Fees, Schedule B. (Part 1).			Amount paid into Court before Judgment.	No. of Plaintiff, &c. (repeated).	
	Ordinary Summons No.	Default Summons.	Plaintiff.	Defendant.			Debt or Claim.	Solicitor's Costs charged on the Summons.	Fee on entering Plaintiff, &c., or Counter-claim.	Registrar.	Home Bailiff.			Foreign Bailiff.
		No.	By whom served.				£ s. d.	£ s. d.	£ s.	s.	s.	£ s. d.		

## BOOK B.—ORDINARY

Plaints, Minutes of Judgments, Orders,

at a Court holden at                      on the

Name, &c. of Plaintiff's Solicitor.	Date of Entry of Plaintiff, &c., or Counter-claim.	No. of Plaintiff, &c.	Name, Residence, and Trade of		Miles from Court House.	Particulars of Debt or Claim.	Amount claimed or value of subject-matter.			Fee on entering Plaintiff or Counter-claim.	Registrar's Fees, Schedule B. (Part 1).	No. of Plaintiff, &c. (re- peated).
			Plaintiff.	Defendant.			Debt or claim.	Solicitor's Costs charged on the Summons.				
							£ s. d.	£ s. d.	£ s.	£ s.	£ s.	

## BOOK C.—DEFAULT

Plaints, Minutes of Judgments,

Name, &c. of Plaintiff's Solicitor.	Date of entry of Plaintiff, &c., or Counter-claim.	Default Summonses.		Name, Residence, and Trade of		Miles from Court House.	Particulars of Debt or Claim.	Amount claimed.		Fee on entering Plaintiff.	Fees, Schedule B. (Part 1).		
		No. of Plaintiff.	By whom served.	Plaintiff.	Defendant.			Debt or Claim.	Solicitor's Costs charged on the Summons.		Registrar.	High Bailiff, Home Court.	High Bailiff, Foreign Court.
							£ s. d.	£ s. d.	£ s.	s.	s.	s.	

**SUMMONSES, &c.**

**Orders, and other Incidental Proceedings.**

Date fixed for Hearing.	Nature of Defence.	Date when Notice of Defence or Leave to Defendant, filed.	By whom Jury required.	Appearance.		Folio in Ledger.			Amount of Judgment.			For whom Judgment given.	Order.	Date when Default Summons served.	Dates, of entering up Judgment by Default; of filing Order in nature of Decree; of filing Order on Interlocutory Proceedings.	Fees on.		
				Plaintiff.	Defendant.				Debt or Claim.	Solicitor's Costs, Witnesses, &c.	Total Costs.					Hearing.	Consent or Admission.	Name, &c. of Plaintiff's Solicitor.
£ s. d.									£ s. d.	£ s. d.	£ s. d.					£	s.	

**SUMMONSES.**

**and other Incidental Proceedings,**

**day of 187 , before Esq., Judge of the said Court.**

Amount paid into Court before Judgment.	Nature of Defence.	Date when Notice of Defence or Leave to Defendant, filed.	By whom Jury required.	Appearance.		Folio in Ledger.			Amount of Judgment.			For whom Judgment given.	Order.	Date when Order in nature of Decree, or on Interlocutory Proceedings, filed.	Fees on	
				Plaintiff.	Defendant.				Debt or Claim.	Solicitor's Costs, Witnesses, &c.	Total Costs.				Hearing.	Consent or Admission.
£ s. d.									£ s. d.	£ s. d.	£ s. d.				£ s.	£ s.

**SUMMONSES.**

**and other Incidental Proceedings.**

Amount paid into Court before Judgment.	Date fixed for Hearing.	Nature of Defence.	Date when Notice of Defence, or Leave to Defendant, filed.	By whom Jury required.	Folio in Ledger.			Amount of Judgment.			Order.	Date when Summons served.	Date of entering up Judgment by Default.	No. of Plaints, &c. (repeated).
								Debt or Claim.	Solicitor's Costs.	Total Costs.				
£ s. d.								£ s. d.	£ s. d.	£ s. d.				

## BOOK D.—PLAINT BOOK (where neither Books A or B are used).

Plaints for Summonses, returnable at a Court to be held at \_\_\_\_\_ day of \_\_\_\_\_ 187 \_\_\_\_\_, and Minute of Interlocutory Proceedings thereon.

Date.	Number.	Plaintiff.	Residence.	Trade.	Defendant.	Residence.	Number of Miles of Defendant's Residence from Court House.	Trade.	Particulars of Debt or Claim.	Amount claimed before Judgment.	Amount paid into Court.	Notice of a Defence.	Fee on entering Plaintiff.	Name, &c. of Plaintiff's Solicitor.
										£ s. d.	£ s. d.	Nature of Defence.	£ s.	
	1													
	2													
	3													
	4													
	5													
	6													
	7													
These additions to be carried to Summary at end of each Month.†														

\* In this column can be entered the day on which notice of service or non-service should be given under sect. 29 of 19 & 20 Vict. c. 108.

† These additions will facilitate the making of statistical returns to Parliament.

**Y**

[illegible]



**BOOK H.—SUMMONSES FOR COMMITMENT, INTERPLEADER, AND MINUTE OF ORDERS THEREON,**  
**at a Court holden at      on the      day of      187      , before      Esq., Judge of the said Court.**

Date.	No. of Plaint.	Commit- ment Sum- mons.	Plaintiff or Claimant.	Defendant or Execution Creditor.		Miles from Court	Date when Judgment or Order obtained.	Amount of Judgment or Order.		Costs of subsequent Proceedings.	Paid into Court.	Amount not required to have been paid at date of issue of Summons.	Amount for which Sum- mons is issued.		Fee for issuing Sum- mons.	Ledger Folio.	Cost of this Sum- mons and Hearing.	Appear- ance by		Order.	Fee for Hearing.
				Name.	Residence and Trade.			Debt.	Costs.				Debt.	Costs.				Plaintiff.	Defendant.		

**BOOK J.—SUMMONSES TO WITNESSES AND JURORS,**  
**returnable at a Court to be held at      on the      day of      187      .**

Date.	No. of Plaint.	On whose behalf ap- plied for.	Witness or Juror.			Miles from Court House.	By whom served.	Fee on Summons to Witness.		Conduct Money, or Fee for Jury.
			Name.	Residence.	Trade.			Home District.	Foreign District.	
								Home District.	Foreign District.	
								Mileage.		
								s. d.	s. d.	£ s. d.











## BOOK N.—FOREIGN EXECUTIONS RE-ISSUED BOOK.

Date of Issue.	From what Court.	No. of Plaintiff.	No. of Execution.	Date of Re-issu.	Against whom.	Residence.	Miles from Court.	Execution or Commitment.	Total Amount to be levied.	Particulars of Return.	Mileage. Lavy. Taking to Gaol.

## BOOK O.—CASH BOOK.

Debtor.				Cash.				Creditor.			
Date.	No. of Plaintiff.	From whom received.	For whom paid.	Folio in Ledger.	Amount.	Date.	No. of Plaintiff.	To whom paid.	From whom received.	Folio in Ledger.	Amount.

N.B.—This Book may be divided into two, one for receipts and the other for payments, where the extent of business in the Court may make it convenient that it should be.

## BOOK P.—LEDGER.

No. of Plaintiff		r.					
		Receipts.	Folio in Cash Book.		Payments.	Folio in Cash Book.	By whom received.
Amount adjudged. Costs paid by Plaintiff. Allowance to Barrister or Attorney. Ditto to Witnesses.							[Each payment to be signed by the person receiving the money either in this Book or the Cash Book, and a receipt stamp affixed where the sum paid is for 2l. or upwards.]
£							
Execution - - No.							

No. of Plaintiff		r.					
		Receipts.	Folio in Cash Book.		Payments.	Folio in Cash Book.	By whom received.
Amount adjudged. Costs paid by Plaintiff. Allowance to Barrister or Attorney. Ditto to Witnesses.							[Each payment to be signed by the person receiving the money either in this Book or the Cash Book, and a receipt stamp affixed where the sum paid is for 2l. or upwards.]
£							
Execution - - No.							

No. of Plaintiff		r.					
		Receipts.	Folio in Cash Book.		Payments.	Folio in Cash Book.	By whom received.
Amount adjudged. Costs paid by Plaintiff. Allowance to Barrister or Attorney. Ditto to Witnesses.							[Each payment to be signed by the person receiving the money either in this Book or the Cash Book, and a receipt stamp affixed where the sum paid is for 2l. or upwards.]
£							
Execution - - No.							





*Instructions where Books A., B. or C. are used.*

The summaries of fees are to be made up for each month as heretofore.

Registrars' and high bailiffs' fees under Schedule B., upon any proceedings in an action subsequent to the entry of the plaint, and upon all proceedings in chambers, must be entered in the Schedule B. fee book.

When a successive summons is applied for, the case must be re-entered in detail (in red ink), under the original plaint number, and the subsequent proceedings be recorded on the page of the book in use on the day it was re-issued; and a reference thereto be made opposite the original entry of the plaint.

*Where either Book A. or Book B. is used.*

A fresh page should be commenced with the entry of plaints for each court, and sufficient space be left after such entries for cases requiring to be brought forward for hearing, viz.: adjournments, new trials, default cases when defended, applications, &c., and for the summary of fees.

Proceedings in chambers may be recorded at the end of the book.

*Where either Book A. or Book C. is used.*

The fee for entering up a judgment by default must be entered on the day it is received, with the number of the plaint prefixed, in the book F. provided for the purpose.

*Where Book C. is used.*

The default plaints should be numbered consecutively, and, to distinguish them from ordinary summonses, a cypher should be prefixed to each number, thus, D, 01; D, 02; D, 03, &c.

---

We, George Lake Russell, John Bury Dasent, John Worlledge, Rupert Alfred Kettle and William Furner, being Judges of County Courts appointed to frame Rules and Orders for regulating the practice of the courts, and forms of proceeding therein, under the 32nd section of "The County Courts Act, 1856," have by virtue of the powers vested in us thereby and of all other powers enabling us in this behalf, framed the foregoing Rules and Forms, and we do hereby certify the same to the Lord Chancellor accordingly.

G. L. RUSSELL.  
J. B. DASENT.  
J. WORLEDGE.  
RUPERT KETTLE.  
W. FURNER.

I approve of these Rules and Forms to come into force in all County Courts on the 3rd day of April, 1876.

CAIRNS, C.

# **GENERAL INDEX**

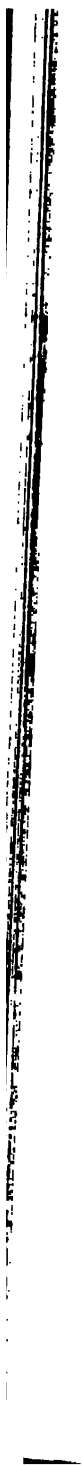
**TO**

**VOLUME I.—Practice and Evidence in Actions in the  
County Courts.**

**VOLUME II.—The Jurisdiction and Practice of the County  
Courts in Equity, Admiralty and Adminis-  
tration Cases, and in Bankruptcy.**

**SUPPLEMENT.—The County Court Rules, 1875 and 1876, &c.**





# GENERAL INDEX.

## A.

- ABANDONMENT** of excess of demand, to give jurisdiction, i. 30.  
must be stated in particulars, *sup.* 93.  
of proceedings against defendants who have not been served, *sup.* 111.  
of appeal, i. 309.  
of whole or part of claim in ejectment, i. 429.
- ABATEMENT** of actions; bankruptcy of plaintiff not to abate actions if the assignees elect to continue, i. 236.  
death of plaintiff or defendant (joint or one of several) before judgment does not abate the suit if the cause of action survives, i. 236, *sup.* 107.  
nor death of plaintiff or defendant in ejectment, i. 427.
- ABOLITION** of old courts for the recovery of small debts, i. 6.  
of imprisonment for debt, with exceptions, i. 352.
- ABSCONDING DEBTORS ACT**, 1870, proceedings in bankruptcy under, ii. 239.
- ABSENCE** of the judge, adjournment in consequence of the, i. 11.  
of the parties, proceeding in, i. 270, 272, *sup.* 108.
- ABSENT** beyond seas, payment into court of legacy or money to which absent person is entitled, ii. 87.
- ABSENT JURORS**, fine on, i. 274.  
form of order for, *sup.* 194.  
witnesses, fine on, i. 277.  
form of order for, *sup.* 187.
- ABSENT PARTIES**, notice of order to, ii. 86, *sup.* 115.  
form of notice, *sup.* 245.  
duty of the registrar on reference to him to inquire as to, ii. 88, *sup.* 115.
- ACCEPTANCE** of goods within the Statute of Frauds, i. 507.  
to constitute delivery, i. 506.  
action against purchaser for non-acceptance, i. 658.  
in bankruptcy, of composition or settlement, ii. 297.  
of bill of exchange, a material cause of action, i. 749.  
proof of, i. 764.  
by plaintiff of money paid into court, i. 200, *sup.* 103.  
of a new tenant, i. 696.
- ACCEPTOR** of bill of exchange, evidence in actions against, i. 764, 772, 774.  
form of particulars of demand in action against, *sup.* 171.
- ACCIDENTS**, occasioned by negligence, i. 800, 814, 850.
- ACCOMMODATION NOTE**, defence of, i. 752, 760.
- ACCORD AND SATISFACTION**, defence of, to action on promissory note, i. 754.
- ACCOUNT**, action for an, i. 45, ii. 6.  
where claimed, must be stated in particulars, *sup.* 93.

- ACCOUNT**, action on account stated, i. 515, 743.  
     form of particulars in, *sup.* 171.  
     balance of, action for, i. 29.  
     books of, *prima facie* evidence, ii. 28, *sup.* 114.  
     interlocutory application for, *sup.* 101.
- ACCOUNTS** of the County Courts, i. 23.  
     fines and fees to be accounted for to the treasurer, i. 23.  
     audit of, i. 23.  
     of receiver, ii. 86, *sup.* 87.  
     of trustee in bankruptcy, ii. 283.  
     of bankrupt's property mortgaged or pledged, ii. 341.  
     of closed bankruptcy, ii. 367.  
     order to registrar to take, *sup.* 113.  
     just allowances to be made by registrar in taking, ii. 115.  
     summons to attend, *sup.* 113.  
         form of, *sup.* 303.  
     books of, to be *prima facie* evidence of contract on inquiry before  
         registrar, ii. 28, *sup.* 114.  
     proceedings where jurisdiction appears to be exceeded, ii. 121.  
     partnership, action for, i. 27.
- ACKNOWLEDGMENT**,  
     to take cases out of Statute of Limitations, i. 571.  
         in writing, i. 572.  
             what sufficient, i. 573.  
             conditional, i. 575.  
             what not sufficient, i. 576.  
         stamp not necessary, i. 580.  
         by whom acknowledgment must be made, i. 580.  
         to whom, i. 581.  
         proof of written acknowledgment, i. 581.  
         by part payment, i. 582.  
         must be on account of a larger debt, i. 582.  
         and on account of the debt sued for, i. 583.  
         may be in goods, i. 583.  
         proof of part payment, i. 584.  
     of deeds by married women, jurisdiction in respect of the, i. 50, ii. 142.  
     fee for taking, *sup.* 277.  
     of filing of receipt or transfer ticket, *sup.* 132.  
         form of, *sup.* 255.  
     written, must be given for deposit, or money paid into court, *sup.* 84.  
         form of acknowledgment, *sup.* 255.
- ACTING** in pursuance of a statute, what is, so as to require notice of action,  
     i. 150.
- ACTION**, exclusion of certain actions from the original jurisdiction of the  
     County Courts, i. 26.  
     includes all proceedings commenced by plaint, *sup.* 88.  
     jurisdiction in, i. 28.  
         nature and amount of demand, i. 29.  
         on balance of account, i. 29.  
         by abandonment of excess, i. 30.  
         cause of action cannot be divided for the purpose of bringing  
             two or more suits, i. 30, 538.  
         jurisdiction by consent, i. 33.  
         form of consent, *sup.* 170.  
         decision of questions of title arising incidentally, i. 33.  
         jurisdiction in ejectment—questions of title, i. 35.

**ACTION—continued.**jurisdiction in—*continued.*

- cases where title is in question, i. 37.
- validity of devise, &c. i. 41.
- dissent of the defendant to try in the County Court, i. 42.
- of magistrates to be sued in County Court, i. 56.
- removal of, of replevin, i. 392, 405.
- application to County Courts of "The Common Law Procedure Act, 1854," i. 344.
- meaning of action lying, i. 396, n.
- summons may issue where cause of arose, wholly or in part, i. 143, 538.
- what constitutes part of cause of, i. 143.
- notice of, i. 149.
- on agreement between attorney and client under "The Attorney and Solicitors Act, 1870," not to be brought, ii. 141.
- by infants, i. 152.
- by paupers, i. 152.
- letter before, i. 153.
- to commence with entering of plaint and issue of summons, *sup.* 88.
- particulars of demand in, i. 155, *sup.* 93.
- continuance of, by trustee or personal representative, i. 236.
- discontinuance of another action for same cause, i. 280, n.
- for penalties, judgment in, i. 157.
- defence of another, pending, i. 590, 933, *sup.* 109.
- defence of judgment recovered for same cause of action, i. 76.
- trial in County Court of actions brought in High Court, i. 43, 48.
- costs in, in the High Court, i. 116.
- in the County Courts, *sup.* 274.
- protection of officers, &c. from, i. 85, 320.
- in proceedings for recovery of tenements, i. 421.
- in what cases to abate, on death of party before judgment, *sup.* 107.
- in what cases security for costs to be given, *sup.* 88.

**ACTION, in respect of proceedings, i. 84.**

- by and against judges, i. 93.
- by trustee of bankrupt, ii. 336.
- limitation of, i. 85.
- trial of, by jury, i. 68.
- liability of judge to, for acting without jurisdiction, i. 93.
- provisions relating to, applied to equitable suit, ii. 5.
- restraint of, after presentation of petition in bankruptcy, ii. 249.

**ACTIONS SENT FROM THE HIGH COURT, i. 444.**

- actions sent for trial in County Courts under "The County Courts Act, 1856," i. 48, 444.
- certificate of result of hearing, i. 445.
- form of certificate, *sup.* 197.
- application for new trial to be made to High Court, i. 445.
- actions of contract ordered to be tried in County Courts under "The County Courts Act, 1867," s. 7, i. 43, 445.
- distinction between powers of the Acts of 1856 and 1867, i. 446.
- rules under sect. 7 of Act of 1867, *sup.* 120.
- form of particular of demand, *sup.* 179.
- of notice of trial, *sup.* 179.
- actions of tort remitted to County Courts under "The County Courts Act, 1867," s. 10, i. 43, 448.
- rules relating to, *sup.* 120.
- form of statement of cause of action, *sup.* 180.
- of notice of trial, *sup.* 181.

**ACTIONS SENT FROM THE HIGH COURT—continued.**actions of tort remitted to County Courts—*continued.*rules relating to actions for libel and slander remitted under sect. 10, *sup.* 120.forms of notice of defence in such actions, *sup.* 184.

costs in actions sent from the High Court, i. 137, 453.

certificate for costs, i. 454.

costs in actions removed from County Courts to High Court, i. 139.

schedule of costs in the Superior Courts of common law (for purposes of taxation of costs in actions sent to County Courts under the Act of 1867), i. 456.

schedule of fees in Superior Courts, i. 460.

**ACTS of bankruptcy, ii. 220, 226.**

(1) Assignment for the benefit of creditors, ii. 226.

(2) Fraudulent conveyance, ii. 227.

(3) Absenting and beginning to keep house, ii. 229.

(4) Filing a declaration of inability to pay, ii. 230.

(5) Execution against a trader, ii. 231.

(6) Debtor's summons, ii. 231.

time within which acts of bankruptcy must be committed, ii. 240.

doctrine of relation back to act of bankruptcy, ii. 308.

notice of act of bankruptcy, ii. 322.

taking away right of set-off, ii. 345.

**ACTS OF PARLIAMENT, proof of, i. 488.**

[FOR THE ACTS CITED IN THIS WORK SEE THE TABLE AT THE COMMENCEMENT OF THE FIRST VOLUME.]

**ACTUAL FRAUD, setting aside agreements in case of, ii. 15.****ADDING parties, ii. 86, *sup.* 107.**to counter-claim, *sup.* 288.notice to parties added as defendants, *sup.* 290.form of, *sup.* 302.**ADJOURNMENT,**

general powers of, i. 68.

of the cause, i. 279.

where anything required by the practice of the court to be done, i. 279, *sup.* 146.by consent, i. 279, *sup.* 145.service of order of, unnecessary, *sup.* 146.

in consequence of the death or absence of the judge, i. 11.

in consequence of death or bankruptcy of parties, i. 236.

where summons not served in due time, *sup.* 97.to obtain a jury, i. 280, *sup.* 108.to enable defendant to give notice of special defence, i. 280, *sup.* 99.

to enable plaintiff to discontinue another action, i. 280.

on adding parties, *sup.* 109.for final judgment, *sup.* 109.costs of the day on, i. 132, *sup.* 146.fees to assessors on, *sup.* 135.

of proceedings in bankruptcy,

of hearing of petition, ii. 255.

of first meeting of creditors, ii. 266, 277.

of judgment summons, *sup.* 117.**ADJUDICATION of bankruptcy, i. 691, ii. 259.**

who may be adjudicated bankrupt, ii. 241.

the petition for, ii. 241.

form, ii. 259.

proof, i. 592.

**ADJUDICATION** in bankruptcy—*continued*.

- publication, ii. 260.
- appeal from, ii. 261.
- annulling adjudication, ii. 304.
- effect of adjudication on the bankrupt's property and rights, ii. 307.
- effect on claims against the bankrupt, ii. 315.
- on judgment debtor summonses and orders, i. 361, *sup.* 118.

**ADMINISTRATION**,

- of real and personal estate, jurisdiction of county courts in, ii. 6.
- mode of administration, ii. 8.
- of trust property, ii. 18.
- in what court proceedings to be taken, ii. 30.
- forms of particulars, *sup.* 174.
- form of order in administration, *sup.* 241.
- proof and allowance of claims in, ii. 90, *sup.* 114.
- allowance of interest to creditors, *sup.* 144.
- in case of deficiency of assets, same rule to apply as to secured and unsecured creditors, annuities, &c., as in bankruptcy, *sup.* 33.
- advertisements to, and claims by creditors, *sup.* 114.

**ADMINISTRATION** of assets, proof of, i. 639, *sup.* 126.

- judgment, where proved, *sup.* 126.
- form of judgment, *sup.* 211.
- jurisdiction in probate and administration cases, i. 46, ii. 190.

**ADMINISTRATORS**, action by, i. 633, *sup.* 90, 125.

- against, i. 635, *sup.* 90, 125.
- applications by, to court, ii. 18.
- payment into court by, i. 201, ii. 53.
- charge against, of wasting assets, i. 169, *sup.* 125. *See* EXECUTORS.

**ADMIRALTY**, jurisdiction of High Court in, ii. 147.

- no appeal from judgment of High Court affirming judgment of High Court, without leave of judge, *sup.* 9.
- on appeal from case tried before assessors in county court, elder brethren of Trinity House to be summoned, *sup.* 9.

**ADMIRALTY**, jurisdiction of county court, i. 46, ii. 147.

- judge may try action at any place in admiralty district, *sup.* 135.
- on application for trial where county court does not sit, solicitor to file undertaking for expenses, *sup.* 136.
- form of *præcipe*, *sup.* 261.
- action to commence by filing *præcipe*, *sup.* 136.
- form of *præcipe*, *sup.* 261.
- service of summons, *sup.* 136.
- form of summons, *sup.* 261.
- appearance, *sup.* 136.
- form of *præcipe* to enter, *sup.* 263.
- claimants may intervene, *sup.* 136.
- registrar to give notice of hearing, *sup.* 137.
- form of notice, *sup.* 264.
- warrant of arrest and detention, *sup.* 137.
- form of, *sup.* 262.
- affidavit on application, *sup.* 137.
- appearance after arrest, *sup.* 136.
- release of property on payment into court, *sup.* 137.
- form of order for, *sup.* 263.
- transfer to and by High Court, *sup.* 137.
- forms of order, *sup.* 264.
- cross actions, *sup.* 137.
- proceedings where defendant unknown, *sup.* 138.

**ADMIRALTY—continued.**

- execution against vessel, *sup.* 138.
- form of warrant, *sup.* 265.
- appraisal, *sup.* 138.
- proceeds of sale to be paid into court, *sup.* 138.
- form of *præcipe* for payment, *sup.* 266.
- delivery to purchaser, *sup.* 138.
- transfer of sale to High Court, *sup.* 138.
- form of order, *sup.* 266.
- notice of defence in collision causes, *sup.* 139.
- tender, *sup.* 139.
- payment out of court, *sup.* 139.
- inspection of records, *sup.* 139.
- office copies of documents, *sup.* 139.
- assessors, *sup.* 139.
- form of summons to, *sup.* 266.
- deposit for remuneration of, *sup.* 139.
- fees of, on adjournment, *sup.* 140.
- payment to, *sup.* 140.
- forms of judgment or order, *sup.* 264.
- scale of costs of actions *in rem*, *sup.* 291.
- fees, *sup.* 282.

**ADMIRALTY actions book, form of, *sup.* 267.**

- ADMISSION** of claim by defendant, i. 68, 195, 196.
- plaintiff to obtain no costs after service of, *sup.* 103.
- by person other than defendant, i. 269.
- form of, *sup.* 161.
- affidavit of, *sup.* 161.
- notice to plaintiff of, *sup.* 161.
- by plaintiff and defendant, *sup.* 162.
- form of affidavit, *sup.* 162.
- general form of heading and conclusion of, *sup.* 150.
- admission at the hearing, i. 268.
- evidence of, on trial, i. 467, 468, 516.
- by payment, i. 469.
- of warranty, i. 673.
- of payment in particulars of demand, i. 156.
- by defendant executor or administrator, i. 288, *sup.* 125.
- admission and inspection of documents, notice for, i. 229, *sup.* 105.
- form of notice, *sup.* 300.
- effect of admission, i. 231.
- costs of proving documents, after notice, *sup.* 105.
- extends to new trial, i. 232.

- ADMISSION**, in bankruptcy, of debt by debtor of bankrupt, ii. 338.
- form of admission, ii. 338.

- ADMITTED SET-OFF**, jurisdiction for balance after, i. 28.
- meaning, of, i. 29.

- ADOPTION**, by agreement, of parts of "The Agricultural Holdings Act, 1875," *sup.* 49.

- ADULTERY** of wife, defence of, to action for goods, i. 628.

- ADVANCEMENT** of infants, jurisdiction of county court relating to, ii. 20, *sup.* 181.
- particulars in action for, *sup.* 176.

- ADVENTURES**, shareholders in, liability of, i. 606.

- ADVERTISEMENT** for creditors in administration suits, *sup.* 114.
- ADVERTISEMENTS** in equity proceedings, order for, by judge or registrar, ii. 96, *sup.* 144.  
 in bankruptcy, ii. 209.  
 in London Gazette, *sup.* 144.
- ADVOCATES**, employment and remuneration of, in the county courts, i. 69.  
 right of suitors to employ, i. 69.  
 extension of provisions to other proceedings than actions, i. 70.  
 solicitors to sign a roll, i. 70, *sup.* 108.  
 notice of intention to employ unnecessary, i. 70, *sup.* 108.  
 remuneration of, i. 71.
- AFFAIRS** of bankrupt, statement of, ii. 267.
- AFFIDAVITS**, general form of heading and conclusion of, *sup.* 151.  
 perjury in, i. 283, n.  
 general rules as to, ii. 177.  
 to be expressed in first person, with paragraphs numbered, *sup.* 146.  
 to state sources of knowledge, *sup.* 146.  
 costs of, to be disallowed, if not in conformity with rules, *sup.* 146.  
 to be read as evidence of person using them, *sup.* 107.  
 include statutory declarations, affirmations, &c., *sup.* 81.  
 effect of erasures and interlineations, *sup.* 147.  
 necessary, where leave to issue summons, i. 149.  
 before requiring notice of intention to defend, *sup.* 3.  
 form of, *sup.* 156.  
 of service of summons, i. 173, *sup.* 4.  
 of service of default summons by solicitor, *sup.* 89.  
 form of affidavit, *sup.* 296.  
 of signature to admission, i. 196, *sup.* 103.  
 form of, *sup.* 161.  
 when evidence may be taken by, *sup.* 106.  
 notice and copy of, to be given, *sup.* 106.  
 to be filed before use, unless by order of judge, *sup.* 106.  
 rejection of, by registrar, *sup.* 84.  
 form of notice, *sup.* 294.  
 for writ of certiorari, i. 215.  
 for writ of prohibition, i. 219.  
 for attendance of a prisoner as a witness, i. 227.  
 form of, *sup.* 188.  
 of justification of sureties to bond for security, *sup.* 131.  
 form, *sup.* 178.  
 for discovery of documents, i. 242, *sup.* 104.  
 of service of summons on a witness, form of, *sup.* 300.  
 must be made by party and not by attorney, i. 248, *sup.* 104.  
 must be positive, i. 245, *sup.* 104.  
 form of, *sup.* 181.  
 affidavit in answer, *sup.* 104.  
 form of, *sup.* 182.  
 affidavit to found interrogatories, *sup.* 105.  
 form of, *sup.* 182.  
 affidavit in answering interrogatories, *sup.* 105.  
 of adjudication of bankruptcy by judgment debtor, i. 362, *sup.* 118.  
 form of, *sup.* 258.  
 of amount due on debtor summons on judgment of High Court, i. 358, *sup.* 117.  
 form of, *sup.* 257.  
 for leave to summon garnishee, *sup.* 124.  
 form of, *sup.* 304.  
 affidavit on appearance in ejectment by third person, i. 425, *sup.* 98.



**AFFIDAVITS** — *continued.*

- for registration of bills of sale, i. 914.
- on payment, &c. by trustees, &c. into court in equity, ii. 53, *sup.* 131, 134.
- on *ex parte* applications upon injunctions, *sup.* 101.
- petitions and applications under Trustee Acts, &c., *sup.* 131.
- to give contentious jurisdiction to county court in probate and administration cases, ii. 192, 194.
- in taking acknowledgments by married women, ii. 142.

*in admiralty cases.*

- to found arrest and detention of vessel or property, ii. 170, *sup.* 137.
- of justification of sureties, ii. 171.

*in bankruptcy.*

- rules respecting, ii. 213.
  - form of, ii. 213.
- before whom sworn, ii. 214.
- filing, ii. 213.
- applications to the court to be supported by, ii. 212.
- to support debtor's summons, ii. 232.
  - forms of, ii. 233.
- of service of debtor's summons, ii. 235.
  - form of, ii. 236.
- of truth of statements in petition, ii. 245.
- of service of petition, ii. 247.
- of justification of sureties, ii. 258.
- of no receipts or payments by trustee, ii. 285.
- in support of application for committal of bankrupt for contempt, ii. 290.
- of person interested in a composition, ii. 299.
- in support of application for enforcement of provisions of composition, ii. 300.
- of trustee to compel delivery of moneys and securities, ii. 332.
- for proof of debt with or without security, ii. 351.
- of proof of debt by agent of a company, ii. 352.
- in support of petition for liquidation, ii. 391.
- to be annexed to notice summoning general meeting, ii. 392.
- of computed amount of estimated assets or composition, ii. 400.
- on nomination of receiver in liquidation by creditors, ii. 401.

**AFFIRMATION**, instead of oath, i. 69, 491.**AGENT**, verbal admissions by, i. 468.

- payment to, i. 549.
- action for goods delivered by, i. 596.
- action for goods supplied to, i. 601.
- right of set-off where agent contracts as principal, i. 608.
- signature by, to contract, i. 652.
- action for money received by, i. 733.
- promissory note signed by, i. 747.
- acceptance of bill by, i. 765.
- lien on goods entrusted to, i. 840.
- interrogatories to, i. 252.
- appearance in bankruptcy by, ii. 211.
- corporation may act by, in bankruptcy, ii. 211.
- delivery of money and securities by, in bankruptcy, ii. 332.
- proof of debt in bankruptcy by, of a company, ii. 352.

**AGREEMENT**, settlement of suits by, i. 68, 198.

- if in writing, must be produced, i. 471.
- cannot be varied by parol evidence, i. 472.
- alteration of, i. 474.
- may be explained, i. 475.

**AGREEMENT—continued.**

- exemption of, for sale of goods, from stamp duty, i. 515.
- to take case out of the Statute of Frauds, i. 648.
- of parties to give jurisdiction, i. 33, 34, 149, *sup.* 147.
- form of, *sup.* 170.
- that decision of the judge shall be final, i. 238, 304.
- form of, *sup.* 195.
- acquisition of easements by, i. 889.
- for the sale or purchase of property, suits for specific performance of,
  - or for the delivering up or cancelling, i. 45, ii. 12.
- form of particulars respecting specific performance of, *sup.* 175.
- on application for injunction or for specific performance of, damages may be awarded, ii. 75.

**AGREEMENTS** between attorneys and clients, enforcing or setting aside, ii. 140.

**AGRICULTURAL HOLDINGS ACT, 1875, *sup.* 38.**

- interpretation clause, *sup.* 38.
- tenant's title to compensation for improvements, *sup.* 39.
- classes of improvements, *sup.* 39.
- time in which improvements exhausted, *sup.* 40.
- deductions from compensation, *sup.* 41.
- set-off of benefit to tenant, *sup.* 41.
- compensation for breach of covenant, *sup.* 41.
- procedure for settlement of differences between landlord and tenant, *sup.* 42.
- appointment of referees or umpire, *sup.* 42.
- power of county court as to appointment of, *sup.* 43.
- power of referees or umpire to call for documents and administer oath, *sup.* 43.
- form and requisites of award, *sup.* 43.
- costs of reference taxable by county court registrar, *sup.* 44.
- appeal to county court from award, *sup.* 44.
- form of notice to respondent, *sup.* 259.
- to be made within seven days, *sup.* 44.
- on what grounds, *sup.* 44.
- statement of grounds to be filed, *sup.* 140.
- statement of respondent, *sup.* 141.
- power of judge to remit case to referees or umpire, *sup.* 44.
- to state special case for High Court, *sup.* 44.
- order of county court for recovery of money on award or after appeal, *sup.* 45, 141.
- power of county court to appoint guardian for purposes of the act, *sup.* 45.
- power of county court to appoint person to act as next friend of a married woman under the act, *sup.* 45.
- judge to examine married woman as to knowledge of intended act, &c., *sup.* 45.
- costs under the act to be in discretion of court, *sup.* 45.
- service of notices, &c., under act, *sup.* 45.
- power of county court to grant charge on holding, *sup.* 45.
- charge may be assigned to company for improvement of land, *sup.* 46.
- duration of charge, *sup.* 46.
- provision as to lands of Crown and Duchies of Lancaster and Cornwall, *sup.* 46.
- in case of ecclesiastical lands, governors of Queen Anne's Bounty may obtain charge, *sup.* 47.
- time of notices to quit, *sup.* 48.

AGRICULTURAL HOLDINGS ACT—*continued*.

- provision as to fixtures, *sup.* 48.
- right of contract not to be restricted, *sup.* 49.
- parts of act may be adopted by agreement, *sup.* 49.
- act to apply to future tenancies, unless excluded by agreement, *sup.* 49.
- provision as to existing tenancies, *sup.* 49.
- act not to apply to non-agricultural or small holdings, *sup.* 50.
- saving of rights, customs, &c., *sup.* 50.
- fees under, *sup.* 278.

AIR, natural rights in respect of, i. 888.  
 easements in respect of, i. 888.

AIE, action for, when not maintainable, i. 532.

ALKALI ACTS, i. 54, *sup.* 18.

ALLOWANCE of claim,  
 notice to creditor of, li. 91, *sup.* 114.  
 form of notice, *sup.* 245.

ALLOWANCE to bankrupt, ii. 294.  
 of interest to creditors in administration, *sup.* 144.  
 of interest on legacies, *sup.* 144.  
 to witnesses, *sup.* 268.

ALTERATION of contract, evidence of, i. 474.  
 of note, defence of, i. 750.  
 of bill of exchange, effect of, i. 768.

ALTERNATIVE remedy with proceedings before justices of the peace, i. 53.

AMENDMENT, in general, i. 281, *sup.* 109.  
 application for may be made before or at trial, *sup.* 111.  
 of defects and errors of proceedings, i. 281.  
 in particulars, cannot be made for purpose of giving jurisdiction,  
   i. 281, n.  
 substitution of name of third party as plaintiff or defendant,  
   *sup.* 110.  
 where parties improperly sue or are sued in a representative character,  
   *sup.* 110.  
 where parties improperly sue or are sued in their own right, *sup.* 110.  
 in description of the plaintiff, *sup.* 110.  
 in description of the defendant, *sup.* 110.  
 where a wife is improperly joined or omitted, *sup.* 110.  
 in case of misjoinder of plaintiffs, *sup.* 111.  
   omission of plaintiffs, *sup.* 110.  
   misjoinder of defendants, *sup.* 111.  
 notice to parties added as defendants, *sup.* 290.  
   form of, *sup.* 302.  
 striking out names of defendants who have not been served, i. 128,  
   *sup.* 111.  
 misnomer, &c., not to vitiate, i. 283, *sup.* 111.  
 amendment in description of property in ejectment, i. 426.  
 in bankruptcy, when allowed, ii. 209.

AMENDS, tender of, in replevin damage feasant, i. 910.

ANCIENT DOCUMENTS, proof of, i. 479.

ANIMALS, liability of keeper of mischievous, i. 812, 849.  
 liability of carriers of, i. 863, 871.

- ANNUAL VALUE**, how ascertained for determining jurisdiction in ejectments, i. 940.
- ANNUITY**, claim for arrears of, under will, not necessarily excluded from jurisdiction of County Court, i. 41.  
transfer of, into court, ii. 19, 53.  
certificate of registrar as to, ii. 94.
- ANNULLING** adjudication of bankruptcy, ii. 304.  
where no trustee appointed, ii. 304.  
an acceptance of composition or arrangement, ii. 297, 305.  
application and order to annul, ii. 298.  
effect of annulling, ii. 305.  
notice of annulling, ii. 306.
- APARTMENTS**, actions for the use of, i. 684.
- APOLOGY**, form of defence of, in action for libel or slander, *sup.* 184.
- APOTHECARIES**, actions by, i. 719.  
where, may be said to dwell, i. 142.
- APPAREL**, wearing, exemption of, from seizure, i. 333.
- APPEAL**, i. 77.  
in what cases it lies, i. 77, 301.  
effect of Supreme Court of Judicature Act, i. 306.  
in replevin, interpleader and recovery of tenements, i. 302, 377, 409.  
in ejectment and actions of title, i. 303.  
and wherever the judge thinks reasonable, i. 303.  
exclusion of right of, by agreement, i. 238, 304.  
form of agreement, *sup.* 195.  
confined to points of law, i. 304.  
to be in form of a case, i. 302.  
or by *ex parte* application, within eight days to Court of Appeal, *sup.* 7, 131.  
case how drawn, i. 304, *sup.* 130.  
form of, *sup.* 208.  
security to be given in case of, i. 301.  
form of, where plaintiff is appellant, *sup.* 206.  
where defendant is appellant, *sup.* 207.  
notice not to operate as stay of execution or proceedings unless judge otherwise order, *sup.* 130.  
but registrar to retain proceeds of execution, *sup.* 130.  
notice in case of, to prevent proceedings on the judgment, i. 306, *sup.* 129.  
form of notice, *sup.* 129.  
computation of time for giving notice of, *sup.* 129.  
rule as to form and service of notice of, *sup.* 129.  
before whom appeals are heard, i. 305, *sup.* 7.  
signature of the case and copy to the successful party, i. 307, *sup.* 130.  
refusal of judge to sign case, i. 305, *sup.* 130.  
the judge cannot alter his judgment, i. 305.  
transmission of copies of the case to the Master's office, and notice of transmission, *sup.* 130.  
proceedings where appellant does not prosecute, i. 309, *sup.* 130.  
after the Court of Appeal has pronounced judgment, *sup.* 130.  
where the Court of Appeal orders a new trial, *sup.* 130.  
or gives judgment for either party, *sup.* 131.

**APPEAL**—*continued*.

- from order in the case of small charities, ii. 127.
- from order under "The Land Transfer Act, 1875," *sup.* 36.
- to County Court against award under "The Agricultural Holdings Act, 1875," *sup.* 44.
- judge may remit award, or state a case for High Court, *sup.* 44.
- in admiralty cause*, ii. 182.
- from the decision of surveyors under "The Merchant Shipping Act, 1871," ii. 189.
- no appeal from admiralty decree affirming judgment of County Court without leave of judge of division, *sup.* 9.
- leave to appeal unnecessary where judgment of the court affirmed, *sup.* 9.
- in probate and administration cases*, ii. 192.
- in bankruptcy*,
  - to chief judge in bankruptcy by any person aggrieved by any order of a local bankruptcy court, ii. 303.
  - to Court of Appeal in Chancery from order of chief judge, ii. 303.
  - from adjudication of bankruptcy, ii. 261.
  - from dismissal of petition, ii. 262.
  - to court from any act of the trustee, ii. 280.
  - costs of appeal, ii. 303.
  - rules relating to appeals, ii. 303.

**APPEARANCE** of parties at the trial, i. 67, 265.

- by counsel or attorney, &c., i. 69, 268.
- in ejectment, i. 425.
- notice of, i. 425.
- of defendant in admiralty suit, *sup.* 136.
- præcipe* to enter, *sup.* 136.
- form of *sup.* 263.
- of parties by solicitor or agent, in bankruptcy, ii. 211.

**APPELLANT.** *See* **APPEAL**.**APPLICATION** for new trial, i. 299, *sup.* 128.

- for warrants, entry of time of, i. 322.
- to try action of ejectment in High Court, i. 425.
- of payments, right to direct the, i. 553.
- of fines and penalties, i. 87.
- for amendment, *sup.* 111.

**APPLICATIONS** under "County Courts Act, 1865,"  
*ex parte*, ii. 66.

- for copies of proceedings and documents, ii. 68.
- to judge for further directions, ii. 95.
- to enforce orders, ii. 102, *sup.* 119.
- for committal for contempt, *sup.* 119.
- notice of application, *sup.* 119.
- form of, *sup.* 251.
- for discharge from custody, ii. 106.
- notice of, ii. 107.
- form of, *sup.* 252.
- by private persons in the case of small charities, ii. 127.
- for removal of trustee of friendly society, ii. 130, *sup.* 141.
- to add parties, *sup.* 107.
- to review agreements between solicitors and clients, ii. 141.

**APPLICATIONS** under "Probate Act."

- to take proceedings, ii. 195.

## APPLICATIONS

*in bankruptcy,*

- how made, ii. 212.
- to dismiss debtor's summons, ii. 237.
- for appointment of receiver or manager, ii. 251.
- for directions by trustee, ii. 280.
- for committal of bankrupt, ii. 289.
- form of, ii. 290.
- to annul adjudication, ii. 298.
- for enforcement of provision in a composition ii. 300.
- by creditor for order for trustee to pay dividend, ii. 356.
- for order of bankrupt's discharge, ii. 361, 369.
- various forms, ii. 362.
- for release by trustee, ii. 366.

## APPOINTMENT of the judges of the County Courts, i. 89.

- of deputy judge, i. 98.
- of the treasurer, i. 105.
- of the registrars, i. 105.
- of examiner of witness *de bene esse*, *sup.* 107.
- of the bailiffs, i. 111.
- of referees and umpires under "The Agricultural Holdings Act, 1875," *sup.* 43.
- of guardian of infant defendant, i. 267, *sup.* 108.
- form of, *sup.* 195.
- of guardian of infant under "Agricultural Holdings Act, 1875," *sup.* 45.
- of next friend of married women under "The Agricultural Holdings Act, 1875," *sup.* 45.
- of receiver, *sup.* 102.
- form of order, *sup.* 297.

## APPORTIONMENT of rents, &amp;c. i. 692.

- of salvage in admiralty cases, ii. 176.

## APPRAISEMENT of goods, i. 337.

- when to be made, *sup.* 142.
- of property under arrest in admiralty causes, *sup.* 139.
- of vessel under execution, before sale, *sup.* 138.

## APPRAISERS, appointment of, for selling and valuing goods, i. 337.

- judges may authorize bailiffs to act as, i. 114.

## APPRENTICES, effect of bankruptcy of master on, ii. 328.

## APPROPRIATION of money paid into court on judgments, i. 340.

- of payments, i. 553.
- of interest on promissory note, i. 757.
- of pension or salary of bankrupt, ii. 333.
- form of order, ii. 334.

ARBITRATION, reference of action to, i. 68, 237, *sup.* 124.

- scale of costs of, *sup.* 273.
- form of order of reference, *sup.* 215.
- power of trustee in bankruptcy to refer disputes to, ii. 283.

## ARBITRATION AND AWARD, defence of, i. 589.

ARRANGEMENT, liquidation by, with creditors, i. 593, ii. 371. *See also*  
LIQUIDATION.

## ARRAY, challenge to the, i. 275.

## ARREST, action for illegal, may be remitted to the County Court, i. 43, 448.

- ARREST** of foreign ships under "The Merchant Shipping Act, 1854,"—  
 ii. 150.  
 detention of vessel or property pending proceedings, ii. 170, *sup.* 137.  
 affidavit for, *sup.* 137.  
 form of warrant, *sup.* 262.
- ARREST** and commitment in bankruptcy, ii. 215.  
 of bankrupt after the presentation of petition, ii. 252.
- ARTICLED CLERKS**, to bankrupts, position and claim by, ii. 328.
- ASSAULT**, punishment for, on officer or bailiff, i. 79, 342.  
 form of summons, *sup.* 306.  
 questions of title may be raised in action for, i. 87.  
 action for, in Superior Court, may be remitted to County Court, i. 43.  
 448.  
 evidence in action for, i. 789.  
 proof of the assault, i. 789.  
 damages, i. 791.  
 evidence confined to particulars, i. 792.  
 evidence for the defendant, i. 792.  
 that the plaintiff made the first assault, i. 792.  
 justification in defence of possession, i. 793.  
 reasonable chastisement, i. 797.  
 prior conviction or discharge for the same assault, i. 795.  
 payment into court, i. 796.
- ASSENT** to legacies, effect of, on right to recover, ii. 8.
- ASSESSED TAXES**, replevin lies on distress for, i. 394.
- ASSESSOR** of passage court, power of, to make rules, ii. 158.
- ASSESSORS**, in admiralty causes, ii. 175, *sup.* 139.  
 form of summons to, *sup.* 266.  
 on appeal, in case tried by assessors, elder brethren of Trinity House  
 to be summoned, *sup.* 9.  
 in other proceedings, by direction of judge, on application by either  
 party, *sup.* 6.  
 form of summons to, *sup.* 191.  
 form of notice of judge's refusal to summon, *sup.* 307.  
 objections to, *sup.* 6.  
 form of notice of sitting to hear objections, *sup.* 192.  
 remuneration of, to be costs in cause, unless judge otherwise orders,  
*sup.* 6.  
 list of, to be framed by registrar, *sup.* 134.  
 form of list, *sup.* 165.  
 scale of payment to, *sup.* 134.  
 application for, *sup.* 134.  
 form of application, *sup.* 190.
- ASSETS**, proof of, in action against administrator, &c. i. 637.  
 course of distribution of, i. 639.  
 defence of want of, in action for distributive share of legacy, i. 788.  
 waste of, may be alleged in the summons, i. 169, *sup.* 125.  
 form of particulars, *sup.* 173.  
 proof of wasting, i. 638.  
 judgment where a defendant executor or administrator has wasted the,  
*sup.* 125.  
 where he proves administration of, *sup.* 126.  
 where he does not prove it, *sup.* 126.  
 where he admits the demand and proves administration of, *sup.* 126.

**ASSETS—continued.**

- judgment where a defendant, &c.—*continued.*
  - where in such case he does not prove administration of, *sup.* 126.
- summons to prove, where judgment has been given of assets *quando acciderint*, *sup.* 126.
- form of, *sup.* 214.
- jurisdiction of County Courts in the order of, ii. 6.
- legal and equitable, described, ii. 7.
- administration and marshalling of, ii. 8.
- in what court proceedings respecting, to be taken, ii. 30.
- for which husband is liable in action against wife, *sup.* 19.
- if without assets, husband entitled to judgment for costs, *sup.* 19.

**ASSIGNEES**, continuance of action by, i. 236.

- ASSIGNMENT**, claims to goods under, i. 911.
- dispute of, in interpleader proceedings, *sup.* 122.
  - form of notice to assignor, *sup.* 192.
  - forms of order, *sup.* 193.
  - fraudulent, i. 913.
  - for the benefit of creditors, an act of bankruptcy, ii. 226.

**ASSISTANCE**, warrant of, *sup.* 119.

- form of, *sup.* 248.

- ASSISTANT BAILIFFS**, appointment of, i. 114.
- may serve or execute process, i. 114.
  - may be appointed to act as brokers or appraisers, i. 114.
  - high bailiff responsible for acts of, i. 112.

**ASYLUMS**, service on persons employed in, *sup.* 96.

- ATTACHMENT OF DEBTS**, i. 344, *sup.* 124.
- provisions of Common Law Procedure Act, applied to County Courts, i. 44, 344.
  - custom of foreign attachment not affected by "The Debtors Act, 1869," i. 372.
  - examination of judgment debtor as to debts due to him, i. 344, *sup.* 124.
  - who may apply, i. 349, *sup.* 124.
  - affidavit for leave to summon garnishee, *sup.* 124.
  - form of affidavit, *sup.* 304.
  - judge may order an attachment for debts, i. 345, *sup.* 124.
  - what debts may be attached, i. 350.
  - order to bind debts, i. 345.
  - form of order, *sup.* 196.
  - binding effects of order, i. 350, *sup.* 124.
  - proceedings to levy amount due from garnishee, i. 345, *sup.* 124.
  - garnishee summons must be served personally, *sup.* 125.
  - except in case of a firm, company, or corporation, *sup.* 290.
  - judge may allow judgment creditor to sue garnishee, i. 345, *sup.* 124.
  - discharge of garnishee by payment, i. 345, *sup.* 125.
  - what amounts to payment, i. 351.
  - attachment book in the High Court, i. 345.
  - inapplicable to County Courts, i. 345, n.
  - no costs when garnishee pays into court five days before return day, *sup.* 125.
  - wages cannot be attached, i. 346.
  - rules relating to attachment, *sup.* 124.
  - forms,
    - notice of desire to examine defendant as to debts due to him, *sup.* 195.
    - order when garnishee present, *sup.* 196.



- ATTACHMENT OF DEBTS**—*continued*.  
     summons against garni-see, *sup.* 304.  
     judgment against, *sup.* 197.  
     execution against, *sup.* 197.
- ATTENDANCE** of bankrupt at meeting of creditors, ii. 267.  
     order for attendance, ii. 265.
- ATTENDANCE** of jurors, i. 273.  
     of witnesses, i. 277.
- ATTESTING WITNESS**, proof of documents by, i. 483.
- ATTORNEY**. *See* SOLICITOR.
- ATTORNEYS AND SOLICITORS ACT**, 1874, *sup.* 20.
- ATTORNEY-GENERAL**, proceedings by, in the case of charities, ii. 128.
- AUCTION**, employment of puffer at, i. 529, ii. 15.  
     sale by, of personal property, *sup.* 113.  
     order for sale, *sup.* 113.  
     order for sale of real estate, *sup.* 113.
- AUCTIONEER** may sue for goods sold at auction, i. 504.  
     effect of payment to, or set-off against owner, i. 504, n.  
     may maintain action for goods placed under his care, i. 820.  
     action by, for hire of land let by auction, i. 691.  
     contract by, under Statute of Frauds, i. 652.  
     admissibility of statements by, to qualify representations in catalogue,  
         i. 475.  
     action against, as stakeholder, i. 737.  
     agent for both vendor and vendee, i. 652, 737.  
     recovery of deposit on sale from, i. 737.  
     payment to, i. 552.  
     set-off by, i. 568.  
     where trustee in bankruptcy is an auctioneer, not to sell property with-  
         out consent, ii. 282.
- AUDIT** of accounts, i. 23.  
     of trustee's accounts in bankruptcy, ii. 283.
- AUTHORITY** of agent to bind principal, i. 608.  
     of third person to receive payment of debt, i. 552.  
     to distrain, i. 906.
- AUXILIARY JURISDICTION** of the County Courts, i. 47.  
     in chancery, i. 47.  
     to courts of common law, i. 48.  
     in bankruptcy, i. 48, ii. 204.  
     in the case of succession duty, i. 48.  
     under Metropolitan Building Act, i. 48.  
     enforcing judgments of Stannaries Courts, i. 49.  
         of local courts, i. 49.  
     recovery of costs of Copyhold Commissioners, i. 49.  
     acknowledgments of deeds, i. 50; ii. 142.  
     inquiry under Coal Mines Regulation Act, i. 50.  
     as district registries under Judicature Act, i. 50.
- AVOIDANCE** in bankruptcy of voluntary settlements, i. 921, ii. 817.  
     of fraudulent preferences, i. 922, ii. 818.
- AWARD**, defence of, to claim, i. 589.  
     of compensation under "The Agricultural Holdings Act, 1875,"  
         requisites of, *sup.* 43.  
     appeal to County Court against, *sup.* 44.  
     if no appeal, award to be final, *sup.* 44.

## B.

- BAILEES** may maintain action for taking goods, i. 820.  
or for their detention, i. 825.  
actions against, for negligence, i. 854.
- BAIL BOND**, in admiralty suits, *sup.* 137.  
form of, *sup.* 263.
- BAILIFF**, appointment of, i. 111, 114. *See* HIGH BAILIFF.  
of the home district, service of summons and process by, i. 172,  
*sup.* 85, 95.  
duty of, on service of summons or failure, *sup.* 9, 85.  
duty of, of home district, on executions out of district, i. 315, *sup.* 86.  
seizure of goods by, i. 833.  
of a foreign district, duty of, on service of process or failure, *sup.* 85,  
287.  
form of notice of complaint against, *sup.* 294.  
as to warrants of execution, *sup.* 116.  
entry of warrants by, *sup.* 86.  
duty of, on receiving money under process, i. 314, *sup.* 86.  
not to act as agent for suitors, i. 102.  
nor to become surety, *sup.* 131.  
authority of, on warrant for possession of tenement, i. 415, *sup.* 119.  
protection of, from actions, i. 421.  
notice of action to, i. 150.  
assaults on, i. 79.  
form of summons for, *sup.* 306.  
responsibility and punishment of, for neglect, i. 104, 342, *sup.* 85.  
for making false endorsement on summons, *sup.* 9.
- BALANCE** of account, action for, i. 29.  
of partnership account, jurisdiction in actions for, i. 27, ii. 2, 21.  
of set-off or counter-claim, judgment may be for defendant on, *sup.*  
109.
- BALLOT ACT**, fees under, *sup.* 277.
- BANKERS**, balance at, may be recovered as money had and received, i. 734.  
registration of banking co-partnership, i. 609.
- BANK NOTES**, may be seized under execution, i. 833.  
tender of, Bank of England, i. 559.
- BANKRUPT**, duty of, on adjudication, ii. 289.  
duty in general, ii. 289.  
attendance of, at first meeting of creditors, ii. 267.  
order for, ii. 265.  
production by, of statement of affairs, ii. 267.  
examination thereon, ii. 292.  
appeal by, to court against any act of trustee, ii. 279.  
application by trustee for committal of, ii. 289.  
superintendence of the property by, ii. 293.  
allowance to, for maintenance or services, ii. 294.  
need not be joined in actions on joint contracts, ii. 336.  
discharge of, ii. 360.  
offences by, ii. 294.  
punishment for fraud, ii. 416.  
status of undischarged, ii. 369.  
enforcement of debts against, ii. 370.
- BANKRUPTCY**, jurisdiction in, i. 47, ii. 199, 420.  
auxiliary to London Bankruptcy Court, i. 48.

**BANKRUPTCY—continued.**

- continuance of action by trustee, i. 236.
- of defendant, defence of, i. 590, *sup.* 99.
- form of defence, *sup.* 183.
- in answer to set-off, i. 570.
  - to actions on promissory notes, i. 759, 762.
  - interrogatories to defendant, i. 233.
- of plaintiff, defence of, i. 591.
- defence of, to actions of tort, i. 822.
- of judgment debtor, a bar to imprisonment, i. 361, *sup.* 118.
- former law reviewed, i. 361, n., 362, n.
- evidence of bankruptcy, i. 592.
- liquidation by arrangement under the Bankruptcy Act, i. 593.
- composition with creditors, i. 593.
- set-off, i. 644.
- avoidance of voluntary and fraudulent preferences, i. 921.
- action by trustee in, cannot be joined with other cause of action, without leave, *sup.* 92.

**BANKRUPTCY ACT, 1869, general scope and principles of, ii. 199.**

- orders, rules and forms made under, not altered by "The County Court Rules, 1875," *sup.* 81.

**BANKRUPTS, action by, i. 591.**

- action by trustees of, i. 643, 830.
- claim to goods by trustees of bankrupts, i. 921.
- continuance of action by assignees of, i. 236, 592.

**BARGAIN AND SALE, proof of, under Statute of Frauds, i. 647.**

- action for goods bargained and sold, i. 646.

**BARRACKS, service of summons on soldiers in, *sup.* 96.****BARRISTER, deputy judge not to practice as, in district, i. 100.**

*See* COUNSEL.

**BATTERY, action for assault and, i. 789.****BEGINNING to keep house, an act of bankruptcy, ii. 229.****BEDDING, protected from seizure, i. 333.****BEER, action for, when not maintainable, i. 532.****BENEFICIALLY INTERESTED PARTIES, may be added at any stage of the proceedings, *sup.* 90, 288.**

- order to receiver to pay to, *sup.* 88.
- form of order, *sup.* 295.

**BEQUEST, questions of the validity of any, excluded from the original jurisdiction of the County Courts, i. 26, 41.**

*See* DEVISE.

**BETS. *See* ILLEGALITY, and WAGERS.****BILL, delivery of, by solicitor, i. 723.****BILLS OF EXCHANGE,**

- effect of admission of, i. 231.
- may be seized under execution, i. 333.
  - how to be dealt with, i. 333.
- evidence in actions on, i. 764.
- (1) Payee v. acceptor, i. 764.
  - evidence for the plaintiff, i. 764.
  - where acceptance is by agent, i. 765.
  - where acceptance is by partner, i. 766.
  - qualified acceptance, i. 767.
  - conditional acceptance, i. 767.
  - production of bill, i. 767.

BILLS OF EXCHANGE—*continued*.(1) Payee *v.* acceptor—*continued*.

- evidence for the defendant, i. 768.
- denial of handwriting, i. 768.
- want of stamp, i. 768.
- alteration of bill, i. 768.
- want of consideration, i. 769.
- failure of consideration, i. 770.
- illegality, i. 772.

(2) Indorsee *v.* acceptor, i. 772.

- evidence for the plaintiff, i. 772.
- defence, i. 772.
- infancy, i. 772.
- set-off, i. 773.
- payment, i. 773.

(3) Drawer *v.* acceptor, i. 773.(4) Payee *v.* drawer, i. 774.

- evidence for the plaintiff, i. 774.
- the drawing, i. 774.
- presentment, i. 774.
- notice of dishonour, i. 774.

(5) Indorsee *v.* drawer, i. 776.(6) Indorsee *v.* indorser, i. 543, 776.

- defence of payment by, i. 546.
- by bill of third person, i. 547.
- impounding bill, i. 208.
- form of particulars in action on, *sup.* 171.

## BILLS OF EXCHANGE ACT, 1855, i. 189.

extended to the County Courts, i. 190.

summons under, i. 189.

form of summons, *sup.* 153.

form of letter to accompany summons for service in foreign district, *sup.* 293.

defendant's proceedings on, i. 207.

payment, i. 207.

leave to defend, i. 207, *sup.* 148.

form of notice of, *sup.* 307.

affidavit of defence, *sup.* 148.

notice to plaintiff, *sup.* 148.

setting aside judgment by default, i. 208, *sup.* 148.

form of bond, *sup.* 307.

impounding bill and staying proceedings, i. 208.

rules relating to, *sup.* 148.

## BILLS OF SALE ACT, i. 913, ii. 314.

BIRTHS AND DEATHS REGISTRATION ACT, 1874, *sup.* 21.

## BLANKS, parol evidence to fill up, i. 477.

## BLOOMSBURY COURT,

a metropolitan court, i. 116.

compensation to registrar of, i. 6, n.

issue of summons in, i. 146.

## BOARD AND LODGING, action for, i. 684.

BOND, security given to be in form of, i. 76, 284, *sup.* 131.

notice of sureties in, *sup.* 131.

form of notice, *sup.* 178.

notice to obligee of time of execution, *sup.* 131.

form of notice, *sup.* 305.

**BOND—continued.**

- affidavit of their sufficiency, i. 235, *sup.* 131.
  - form of affidavit, *sup.* 178.
- execution and deposit of, *sup.* 131.
- entering up satisfaction on, i. 76.
- deposit in lieu of, i. 76, *sup.* 131.
- may be seized in execution, i. 333.
- how to be dealt with, i. 333.
- in replevin, i. 391.
  - action on replevin bond, i. 410.
  - forms of, in replevin, *sup.* 232.
- under Bills of Exchange Act, i. 209.
  - forms of, *sup.* 178, 309.
- on appeal, forms of, *sup.* 206.
- particulars of breaches in actions on bonds, i. 158.
- to be given by receiver, *sup.* 87.
  - form of, *sup.* 248.
- as security in admiralty suits, ii. 170, *sup.* 137.
  - form of bail bond, *sup.* 263.
- as security in bankruptcy, ii. 214.
  - execution of, ii. 215.
- on stay of proceedings in bankruptcy, ii. 237.
- by trustee in bankruptcy, ii. 274.

**BOOKS,**

- plaint book, i. 65, 78, 164.
- of proceedings, i. 78.
- certified copy, evidence, i. 78.
- registrar furnished with, i. 78.
- to be kept by registrar and high bailiff, i. 79.
- to be always open to inspection of treasurer, *sup.* 84.
- production of, by witnesses, *sup.* 106.
- compelling production of corporation books, i. 240.
- attachment books, i. 345.
- forms of books, *sup.* 312.

**BOOKS OF ACCOUNT,**

- evidence, ii. 28.
- duty of trustee in bankruptcy to keep, ii. 284, 331.
- of accounts of bankrupt, not to be withheld from trustee, ii. 283.
- possession of, by trustee, ii. 331.

**BOROUGH COURTS, enforcing judgments of, i. 49.****BOROUGH RATES, replevin lies in case of distress for, i. 394.****BOTTOMRY, admiralty jurisdiction in cases of, ii. 148.****BOUGHT AND SOLD NOTE,**

- proof of contract by, i. 653.
- apparent variances in, may be explained, i. 477.

**BOUNDARIES of districts, service of summons and warrants on, i. 177.**

- court will take notice of, i. 539.

**BREACH of order in nature of injunction, *sup.* 119.**

- order of committal for, *sup.* 119.
- form of order, *sup.* 251.

**BREACH of warranty, proof of, i. 670, 675.**

- of promise of marriage, actions for, excluded from jurisdiction, i. 26.

**BREACHES of covenant, particulars in actions for, i. 157.****BRIBERY, recovery of penalties for, at municipal elections, i. 54.****BRISTOL COURTS, compensation to officers of, i. 101.**

- BROKER**, contract by, i. 596.
- BROKERS**, appointment of sworn, for selling and valuing goods, i. 336.  
     their fees, i. 16, 340.  
     judge may authorize bailiffs to act as, i. 114.  
     disqualification of bankrupt if certified to have been guilty of fraud,  
     ii. 420.
- BROMPTON**, a metropolitan court, i. 116.  
     issue of summons in, i. 146.
- BUILDING SOCIETIES ACT, 1874**, *sup.* 15.  
     evidence of registration of society, *sup.* 16.  
     dissolution, *sup.* 16.  
     determination of disputes by court, *sup.* 17.  
     orders, rules, and forms under, of Chancery Division of High Court,  
     to be used in other courts, *sup.* 149.  
     fees under, *sup.* 281.
- BUILDINGS**, of the courts, i. 7.  
     expense of, i. 15.  
     property in, transferred to commissioners of works and public build-  
     ings, i. 8.  
     measurement or survey of, interlocutory applications for, *sup.* 101.
- BUSINESS**, carrying on, by defendant, where, i. 141, ii. 30.  
     by bankrupt, ii. 282.  
     sale of goodwill of, ii. 282.
- BYE-LAWS** of corporations, proof of, i. 489.

## C.

- CALLING** on the cause, i. 266.
- CAMBRIDGE**, rights and privileges of University of, preserved, i. 55, 539.
- CANAL COMPANIES**, liability of, as carriers, i. 871.
- CANCELLING** agreements, suits for, i. 45, ii. 12, 14.
- CAPIAS** IN WITHERNAM, in replevin, i. 404, n.
- CARELESSNESS**. *See* NEGLIGENCE.
- CARGO**, damage to, County Court jurisdiction in respect of, ii. 160.  
     form of particulars in action, *sup.* 177.
- CARRIAGE** of goods, recovery of excessive charge for, i. 741.
- CARRIER**, action for goods delivered to, i. 507.  
     lien of, i. 838, 840.  
     liability of, for goods entrusted to, i. 857.  
     delivery to, part of cause of action, i. 144.
- CARRIERS ACT**, i. 867.
- CASE**, statement of, for opinion of Court of Appeal, i. 302, ii. 113, *sup.* 129.  
     re-statement of, i. 812.  
     transmission of, to the master's office, *sup.* 130.  
     of copy, to the opposite party, *sup.* 130.  
     scale of costs on, *sup.* 273.  
     case in ejectment for the opinion of the judge of the County Court, i.  
     426.  
     form of, *sup.* 222.

- CATTLE, injuries to, from defective fencing, i. 852.  
 distraining damage feasant, i. 387.  
 injury to, by dogs, i. 849.  
 liability of bailees and agisters, i. 856.  
 plaint against agister of cattle for loss of horse, i. 855.  
 liability of railway companies in conveyance of, i. 863.
- CATTLE ASSURANCE ACT, contributions, premiums, &c. recoverable in the County Court, i. 54.
- CAUSE, calling on the, i. 266.  
 sent for trial from High Court, i. 444.
- CAUSE OF ACTION, meaning of, i. 30.  
 jurisdiction of courts, where divided, i. 27.  
 cannot be divided for the purpose of bringing separate suits, i. 30.  
 defence that cause of action divided, i. 538.  
 generally causes of action may be joined without leave, *sup.* 92.  
   except in replevin, i. 393.  
   and in ejectment, *sup.* 92.  
   and in action by trustee in bankruptcy, *sup.* 92.  
 where it arises wholly or in part, i. 143.  
 defence that cause of action did not come in district, i. 538.  
 statement of, in action of tort remitted to County Court, i. 450, *sup.* 120.  
 form of statement, *sup.* 231.
- CERTIFICATE,  
 for costs in the High Court, i. 119, 122.  
 who can certify, i. 120, n.  
 for costs in actions remitted to County Court, i. 138, 454.  
 of deposit of money, *sup.* 131.  
 form of, *sup.* 171.  
 of satisfaction of debt and costs by imprisoned debtor, *sup.* 119.  
 form of certificate, *sup.* 203.  
 of discharge as a bankrupt by same, *sup.* 118.  
   form of certificate, *sup.* 258.  
 of result of hearing of cause sent for trial from High Court, i. 445.  
   form of, *sup.* 197.  
 of appointment of trustee in bankruptcy, i. 592.  
 of joint-stock companies, i. 611.  
 under Medical Act, i. 722.  
 of payment of money under order from foreign district, *sup.* 127.  
   form of, in case of money, *sup.* 254.  
     in case of transfer of stock, *sup.* 254.  
 of deposit of security, *sup.* 133.  
   form of, *sup.* 255.  
 of registrar on matter referred to him, *sup.* 115.  
 to lie in office seven days, *sup.* 115.  
   form of notice of inspection, *sup.* 248.  
 confirmation or variation of, *sup.* 115.  
   form of certificate, *sup.* 246.  
*in bankruptcy,*  
 that registrar trustee, ii. 260.  
   form of, ii. 261.  
 of appointment of trustee by creditors, ii. 272, 274.  
   form of, ii. 275.  
 of appointment of trustee to fill vacancy, ii. 270.  
 of no receipts or payments by trustee, ii. 285.  
 of judge for transfer of proceedings, ii. 301.  
 of appointment of trustee in liquidation, ii. 398.

- CERTIFIED COPY**, proof of orders, &c. by, i. 487.  
 of judgments, *sup.* 118.  
 form, *sup.* 166.
- CERTIORARI**, removal of plaintiffs by, i. 77, 211.  
 in what cases, i. 211, 214.  
 refusal of, by one court or judge to be final, i. 88, 214.  
 grounds for the application for the writ, i. 214.  
 mode of application, i. 215.  
 form of affidavit, i. 215.  
 imposition of terms, i. 216.  
 service of the writ, i. 216.  
 subsequent proceedings, i. 216.  
 to remove judgments of the County Courts into the High Court for  
 the purpose of obtaining satisfaction, i. 81, 312.  
 removal of actions of replevin by, i. 392, 405.
- CESSATION** of previously-existing courts and powers, i. 5.
- CHALLENGE** of jurors, i. 275.  
 to the array, i. 275.  
 to the polls, i. 275.  
 principal, i. 276.  
 to the favour, i. 276.  
 mode of objecting, i. 276.  
 grounds of challenge, how determined, i. 276.
- CHAMBERS**, sittings in, in bankruptcy, ii. 211.  
 form of summons in, *sup.* 155.
- CHANCERY**, power of court conferred on County Courts, ii. 2.  
 in cases of partnership, ii. 2.  
 in cases of charitable trusts, ii. 2.  
 in cases of dissolution of literary and scientific institutions, ii. 2.  
 for payment and transfer by trustees, ii. 20, *sup.* 131.  
 payment of legacy into court, ii. 97, 98.  
 auxiliary jurisdiction of County Courts, i. 45, 47.
- CHANCERY DIVISION** of High Court, transfer of action to, when juris-  
 diction exceeded, *sup.* 121.  
 orders, forms and rules of, when to be used by County Courts, *sup.* 149.
- CHANGE IN TITLE**, notice of, *sup.* 103.  
 forms of notice, *sup.* 301.
- CHANGE OF PARTIES** before judgment, *sup.* 107.  
 after judgment, i. 317, *sup.* 107.  
 form of notice of change of plaintiff, *sup.* 209.
- CHANGE OF SOLICITOR**, notice of, *sup.* 143.  
 form of notice, *sup.* 249.
- CHANGE OF VENUE**, i. 232.  
 in actions brought by officers of County Courts, i. 232.  
 in other cases, i. 232.  
 where the cause can be more conveniently tried elsewhere, i. 232.  
 form of order, *sup.* 189.
- CHARGE** or lien on estate, suits for enforcing, i. 45, ii. 10, 30.  
 charging property with costs, ii. 124.  
 of tenants, compensation may be obtained from County Court, *sup.* 45.  
 may be assigned to land improvement commissioners, *sup.* 46.  
 may be granted to Governors of Queen Anne's Bounty in certain cases.  
*sup.* 47.  
 on property, with intent to defraud creditors, a misdemeanor, i. 372.



- CHARITABLE TRUSTS, equitable jurisdiction of County Court in, i. 44, ii. 2.
- CHARITIES, jurisdiction of County Courts in respect of small, ii. 2, 125.  
 applications by private persons, ii. 127.  
 proceedings by Attorney-General, ii. 128.  
 fees, ii. 129.  
 orders, rules and forms not altered by "The County Court Rules, 1875," *sup.* 81.
- CHASTISEMENT, defence of, in action for assault, i. 795.
- CHATELS, taking of, in execution, i. 333.  
 claims to, i. 373.  
 title to, by purchase in market overt, i. 825.  
 assignment of, i. 913.
- CHEQUES, action on, i. 779.  
 defence of payment by, i. 544.  
     by cheque of third person, i. 546.  
 crossed, i. 778.  
 may be seized under execution, i. 333.  
 how to be held and sued upon, i. 333.  
 payment out of court by, *sup.* 143.
- CHIEF CLERK, registrar to have powers of, in accounts and inquiries, *sup.* 113.
- CHILD, liability of parent for goods supplied to, i. 631.
- CHILDREN, procuring grant of administration for, i. 46.
- CHOSER IN ACTION, may be seized in execution, i. 834.  
 effect of Supreme Court of Judicature Act on, i. 504, 913.  
 in suit by assignee of, name of assignor must be stated in particulars, *sup.* 93.
- CHRISTMAS-DAY, office closed on, i. 11, *sup.* 82.  
 when not to be included in computation of time, i. 66, *sup.* 146.  
 process not to be served on, i. 177, *sup.* 146.
- CHURCH RATES, replevin lay in case of distress for, i. 394.
- CINQUE PORTS, admiralty jurisdiction of, ii. 152, 154.  
 transfer to Admiralty Court of, ii. 168.
- CITY OF LONDON COURT, i. 115.  
 registry of judgments of, i. 117.  
 issue of summons in, i. 147.  
 service of summons in, i. 174.  
 provision as to remuneration of officers under "The County Courts Act, 1875," not to apply to, *sup.* 8.
- CIVIL LAW, proceedings in Admiralty Court according to, ii. 150.
- CLAIMANT, in interpleader, form of warrant of execution against goods of, *sup.* 205.
- CLAIMS for rent, on execution against goods, i. 341, *sup.* 122.  
 for damage in execution, *sup.* 122.  
 to goods taken in execution, i. 373, *sup.* 121.  
 to easement or licence, i. 36, 37.  
 admission of, i. 196, 268.  
 for contribution, indemnity, &c., *sup.* 268.

CLAIMS—*continued*.

- mutual, in case of set-off, i. 567.
- notice of allowance of, *sup.* 114.
- form of, *sup.* 245.
- in admiralty cases, *in rem* and *in personam*, ii. 150.
- against bankrupt, effect of adjudication on, ii. 315.
- against third parties by defendant for contribution, indemnity, &c., *sup.* 288.
- forms of notices of, *sup.* 309.

CLEAR DAYS, meaning of, *sup.* 81.

CLERK, where, said not to carry on business, i. 142.

- agreement for services of, i. 714.
- parish, validity of appointment, question of title, i. 38.

CLERK of County Court, registrar formerly styled clerk, i. 3, 105.

- audit, &c., of accounts, i. 23.
- See* REGISTRAR.

CLERKENWELL, a metropolitan court, i. 116.

- issue of summons in, i. 146.

CLIENT, costs as between solicitor and, i. 162.

- in admiralty, i. 187.
- enforcing or setting aside agreements between, and solicitor, i. 140.

CLOAK ROOM, liability of railway company for luggage left in, i. 862.

CLOSE of bankruptcy, ii. 359.

CLUB, liability of members of, on contracts, i. 605.

COACH, liability of owner of, for accidents, i. 809.

- for loss of goods, i. 859.

COACHMAN, liability of, as gratuitous carrier of a parcel, i. 855.

COAL MINE, inquiry as to conduct of managers of, i. 50.

COHABITATION, presumption of marriage from, i. 527.

COLLATERAL rights of suing in the County Courts, i. 53.

- contract, evidence of, i. 474.

COLLISION, claims for damage by, under admiralty jurisdiction, ii. 160.

- form of particulars, *sup.* 177.
- notice of defence of compulsory pilotage, *sup.* 139.

COMMENCEMENT of action, *sup.* 88.

- of bankruptcy, ii. 308.

COMMISSIONERS, liability of, for negligence, i. 817.

COMMITMENT, order of, on a judgment summons, i. 352, ii. 107, *sup.* 117.

- rules relating to, *sup.* 117.
- form of, *sup.* 168.
- form of, under judgment of High Court, *sup.* 257.
- for contempt of court, i. 79, 233; ii. 105.
- form of, *sup.* 236.
- for breach of order in nature of injunction, ii. 106.
- notice of application for, *sup.* 120.
- form of, *sup.* 251.
- form of warrant, *sup.* 252.

**COMMITMENT—continued.**

notice of application for discharge from custody, ii. 107.

form of, *sup.* 252.

order of discharge, ii. 107.

form of, *sup.* 252.

in *bankruptcy*, ii. 215, 216.

for contempt, ii. 216, 291.

application for, ii. 290.

to what prison, ii. 206.

of bankrupt, ii. 289.

application for, ii. 289.

order of committal, ii. 291, 299.

warrant of committal for contempt, ii. 291.

**COMMITTEE OF INSPECTION, in bankruptcy, ii. 263, 275.**

regulations as to, ii. 276.

power of, over trustee, ii. 279.

to meet every three months and audit trustee's accounts, ii. 283.

committal for non-delivery of moneys or securities to trustee, ii. 333.

**COMMITTEE OF LUNATIC, liability of, i. 605, 606, n.**

power of, to make contracts, i. 608.

contribution by, i. 732.

**COMMON, rights of, i. 881, n.****COMMON LAW, ordinary jurisdiction of county courts governed and controlled by, i. 58, ii. 2.**

doctrine of, in case of mortgages, ii. 10.

could not compel performance of personal contracts, ii. 14.

in case of partners, ii. 21.

when concurrent jurisdiction at, for recovery of land, court not bound to relieve, ii. 76.

and admiralty jurisdiction, ii. 146.

contracts, void at, ii. 530.

**COMMON LAW COURTS, auxiliary jurisdiction of County Courts to, i. 48.****COMMON LAW PROCEDURE ACT, 1854, application of, to County Courts, i. 44.**

of powers of inspection and discovery, i. 239, ii. 14, 172.

of powers to attach debts, i. 344.

**COMMON LAW PROCEDURE ACT, 1860, provisions of, as to replevin, i. 392.****COMMON, TENANTS IN, joinder of in replevin, i. 398.**

actions of ejectment by, i. 427, 938.

**COMPANIES, jurisdiction in winding up, i. 46, ii. 138.****COMPANIES ACTS, 1862 and 1867.**

orders, rules and forms under, of Chancery Division of High Court, to be adopted in County Court, *sup.* 149.

**COMPANY, JOINT STOCK, where, said to carry on business, i. 141.**

liability of members of, i. 604.

liability of members of unincorporated companies, i. 604.

when incorporated by special act, i. 608.

- COMPANY, JOINT STOCK—*continued*.  
 where registered, i. 609.  
 fees, i. 19, 22.  
 petition by, in bankruptcy, ii. 242.  
 proof of debt by agent of, ii. 352.  
*See* RAILWAY COMPANY.
- COMPARISON of handwriting, i. 483.
- COMPENSATION on abolition of local courts, i. 6.  
 under "The Agricultural Holdings Act, 1875," *sup.* 39.  
 three classes of, *sup.* 39.  
 deduction from, *sup.* 41.  
 set-off, *sup.* 41.  
 procedure to obtain, *sup.* 42.  
 appointment of referees and umpire, *sup.* 42.  
   by county court, *sup.* 43.  
 requisites of award, *sup.* 43.  
 mode of recovering compensation, *sup.* 45.  
 costs to be in discretion of court, *sup.* 45.  
 power to obtain charge, *sup.* 45.  
 act not to restrict right of contract, *sup.* 49.
- COMPLAINT to Board of Trade of unseaworthiness of ships, ii. 189.  
 against bailiff of foreign court, form of notice of, *sup.* 294.
- COMPOSITION with creditors, ii. 371, 378.  
 acceptance of offer of, in bankruptcy, ii. 297.  
 notice of meeting to authorize trustee to accept, ii. 297.  
 annulling adjudication thereon, ii. 298.  
 committal of bankrupt for contempt thereon, ii. 299.  
 defence of, under the Bankruptcy Act, i. 593.  
 recovery back of money paid by way of undue preference under, i. 743.
- COMPROMISE of debts and claims in bankruptcy, ii. 288.
- COMPTROLLER in bankruptcy, appointment and duties of, ii. 284, 286.
- COMPULSION, recovery of money paid by, i. 741.
- COMPULSORY PILOTAGE, notice of defence of, *sup.* 139.
- COMPUTATION of time, where anything is required by rules to be done  
   within twenty-four hours, i. 66, *sup.* 146.  
   for giving notice of appeal, *sup.* 129.  
   in bankruptcy, ii. 210.
- CONCEALMENT, fraud by, i. 259.
- CONCURRENT jurisdiction of the County Courts, i. 50.  
   of High Court in Admiralty and County Courts, ii. 161.
- CONCURRENT writs of execution, i. 323.  
   warrants of commitment, i. 360.
- CONDITION precedent, performance of, in action for price of goods bargained and sold, i. 654.  
   non-performance of, defence of, in actions for rent, i. 694.  
   in action for not delivering goods, i. 662.  
   in action for personal services, i. 711.
- CONDITIONAL ACCEPTANCE of bill of exchange, i. 767.
- CONDITIONAL ACKNOWLEDGMENT, effect of, to take case out of Statute of Limitations, i. 575.

- CONDITIONAL TENDER, insufficient, i. 561.
- CONDITIONS of sale of property, ii. 88.
- CONDUCT MONEY, payment of, to witnesses, i. 226.
- CONDUCT of proceedings, *sup.* 144.
- CONFESSION of claim, i. 196, *sup.* 147.  
form of, *sup.* 161.  
in ejectment, *sup.* 145.  
forms, *sup.* 228.
- CONFIRMATION of registrar's certificate, *sup.* 115.
- CONSENT, extension of jurisdiction by, i. 33, 170, *sup.* 147.  
must be signed by parties, i. 33.  
to judgment under the County Courts Act, 1850, *sup.* 147.  
where title arises incidentally, i. 34, 267.  
form of consent, *sup.* 190.  
consent by plaintiff to payment by instalments, i. 184, *sup.* 89.  
adjournment by, *sup.* 145.  
substitution of third person as defendant by, *sup.* 110.  
of true owner or reputed ownership in bankruptcy, ii. 310.
- CONSIDERATION, proof of, for warranty, i. 671.  
defence of want of, to action on promissory note, i. 750.  
to bill of exchange, i. 769.  
failure of, i. 770.
- CONSOLIDATED ORDERS. *See* COUNTY COURT RULES, 1875.
- CONSOLIDATION of districts, i. 4.
- CONSTABLES and other peace officers to aid in execution of warrants  
against goods, i. 80, 321.  
power of, to arrest for assaults on officers of courts, i. 79.  
in felonies, i. 799.
- CONSTITUTION of the County Courts, i. 1.  
constitution of the courts in general, i. 2.  
in bankruptcy, ii. 199.  
districts, i. 4.  
cessation of previously-existing courts, i. 5.  
court houses, offices and buildings and property of the courts, i. 7.  
time and place for holding courts, i. 9.  
the revenue for the maintenance of the courts, i. 12.  
accounts, i. 23.
- CONSTRUCTIVE FRAUD in agreements, ii. 15.
- CONTEMPT of Court, how punished, i. 79, 283.  
for neglect to obey order in nature of an injunction, ii. 105, *sup.* 119.  
by a person acting in a fiduciary capacity, *sup.* 119.  
in bankruptcy, ii. 289, 332, 333.  
warrant of commitment for contempt, i. 283.  
form of, *sup.* 236.
- CONTENTIOUS jurisdiction of Probate Court, given to County Courts,  
i. 46, ii. 190.

- CONTINUANCE of action by assignees and personal representatives, i. 236,  
*sup.* 107.  
in case of bankruptcy of the plaintiff, i. 236.  
by surviving parties, *sup.* 107.
- CONTRACT, actions on, i. 462.  
form of particulars in, *sup.* 172.  
implied, i. 503.  
proof of written, i. 470, 478. *See* EVIDENCE.  
under Statute of Frauds, i. 507. *And see* TABLE OF CONTENTS to  
Vol. I.  
of joint-stock companies, i. 610.  
persons severally, or jointly and severally liable on, may be joined as  
defendants by plaintiff, at his option, *sup.* 90.  
transfer of actions of, from the High Court, i. 43, 444.  
costs in actions of, in the High Court, i. 119, 453.  
in the County Courts, i. 129.  
on application for injunction for breach of, or for specific performance  
of, damages may be awarded, ii. 75.  
admiralty jurisdiction in respect of contracts, ii. 147.  
joint, in bankruptcy, actions in respect of, ii. 336.  
power to order rescission of or security for performance of, under "The  
Employers and Workmen Act, 1875," *sup.* 39.  
form of undertaking of, *sup.* 309.  
right of, not restricted by "The Agricultural Holdings Act, 1875,"  
*sup.* 49.
- CONTRACTORS, liability of, for negligence, i. 802, 818.
- CONTRADICTING WITNESS, rule as to, i. 495.
- CONTRIBUTION, action for, i. 730.  
claim of, by defendant against third parties for, *sup.* 288.  
form of notice of, *sup.* 309.  
may be filed by defendant five clear days before return-day,  
*sup.* 288.  
party served with, may apply to judge for directions, *sup.* 289.
- CONTRIBUTORY negligence, i. 802.
- CONTROL of County Courts by the High Court, i. 87.  
of trustee in bankruptcy, ii. 279.  
by comptroller, ii. 286.
- CONVERSION, proof of, in action for detaining goods, i. 825, 831.  
by act of disposition, i. 831.  
by detention, i. 833.  
who liable for, i. 834.
- CONVEYANCE, for the benefit of creditors, an act of bankruptcy, ii. 226.  
fraudulent, an act of bankruptcy, ii. 227.  
voluntary, void in bankruptcy, ii. 317.  
by way of fraudulent preference, void, ii. 318.
- CONVEYANCING COUNSEL, when to be named in order for sale of real  
property, *sup.* 113.
- CONVICTION,  
of witness for felony or misdemeanour, proof of, i. 497.  
by justice, as answer to action for assault, i. 795.  
form of, for offences against County Court Acts, i. 87.
- CONVICTS, effect of bankruptcy of, ii. 329.

- COPARCENER,**  
 ejectment by and against, i. 408, 938.  
 forms of judgment in, *sup.* 223.
- COPIES OF DOCUMENTS,** admissibility of, in evidence, i. 486.  
 payment to registrar for, *sup.* 143.  
 in admiralty proceedings, *sup.* 139.  
 in bankruptcy, ii. 209.  
 when evidence, ii. 216.
- COPYHOLD COMMISSIONERS,** recovery of costs of, i. 49.
- COPYHOLDS,** dealing with, in bankruptcy, ii. 231.
- COPYRIGHT DESIGNS ACT, 1875,** *sup.* 50.
- COPYRIGHT** of designs, piracy of, i. 53, *sup.* 50.
- CORNWALL,** jurisdiction of the Stannaries Court of, i. 55.
- CORPORATIONS,** where said to "dwell," i. 141.  
 contracts on behalf of, i. 607.  
 assault by servant of, i. 791.  
 use and occupation of premises by, i. 689.  
 use and occupation of premises under, i. 689.  
 service of summons on, *sup.* 96.  
 garnishee summons against, may be served as an ordinary summons,  
*sup.* 290.  
 compelling production of books, i. 240.  
 discovery of documents of, i. 242.  
 proof of bye-laws and proceedings of municipal, i. 489.  
 interrogatories by, i. 250.  
 may act in bankruptcy by agent, ii. 211.
- CORPOREAL HEREDITAMENTS,**  
 questions of title to, excluded from the original jurisdiction of the  
 County Courts, i. 26.  
 consent to give jurisdiction, i. 34, *sup.* 147.  
 form of consent, *sup.* 190.  
 jurisdiction under "The County Courts Act, 1867," i. 36.  
 costs of actions in which title to, is in question, i. 136.  
 particulars in actions involving title to, i. 157.
- COST-BOOK PRINCIPLE,** liability of shareholders in mining companies  
 conducted on, i. 606.
- COSTS** of proceedings in County Court, i. 75.  
 apportioned between the parties as the judge thinks fit, i. 75, 295.  
 in default of special direction abides the event, i. 75, 133, 265, 295.  
     but costs for professional assistance and of witnesses must be  
     applied for, i. 266.  
 execution for, may issue as for debt, i. 75.  
 award of, to defendant, where plaintiff does not appear, i. 75, 266, 272,  
*sup.* 108.  
 apportionment of, against several defendants, *sup.* 109.  
 where no jurisdiction, i. 75, 285.  
 of the day, on adjournment, to be costs in cause, *sup.* 146.  
 scale of, *sup.* 273.  
 corrections in, *sup.* 291.  
 taxation of costs, i. 295.  
 treble costs to be allowed to defendant in second action for the same  
 cause, i. 76.

COSTS—*continued.*

- costs in actions for anything done in pursuance of County Courts Act, i. 86.
- taxed by registrar, i. 74, 295, *sup.* 142.
- taxation may be reviewed by the judge, i. 74, *sup.* 142.
- between solicitor and client, i. 74.
- taxation of, by registrar, i. 74.
- of counsel and solicitors, i. 71.
- former provisions, i. 71.
- recommendation of County Court Commissioners, i. 72.
- committee of judges empowered to frame scale, i. 74.
- existing scale in actions, *sup.* 269.
- amended, *sup.* 291.
- of witnesses, *sup.* 142.
- security for costs, i. 75.
- in actions of tort in Superior Court, i. 43.
- where plaintiff does not reside in England or Wales, *sup.* 88.
- but solicitor's undertaking may be given, *sup.* 88.
- form of bond, *sup.* 295.
- in actions by infants, *sup.* 90.
- forms of undertaking, *sup.* 170.
- of the election to sue in the County Courts in reference to the right or liability to costs, i. 118.
- (1) The general right to costs in actions begun and ended in the High Courts, i. 51, 118.
- the plaintiff's right, i. 118.
- the defendant's right, i. 127.
- See* CERTIFICATE FOR COSTS.
- (2) The right to costs in actions begun and ended in the County Courts, i. 127.
- amount of costs, i. 128.
- costs where the debt or damage does not exceed 20*l.*, i. 128.
- where the debt or damage claimed exceeds 20*l.*, i. 129.
- scale of costs, *sup.* 269.
- treble costs for defendant under "The County Courts Act, 1850," i. 136.
- costs in actions of ejectment and actions in which the title to any corporeal or incorporeal hereditament is in question, i. 136, *sup.* 142.
- in actions to recover possession of tenements and in replevin, i. 137, *sup.* 142.
- execution against plaintiff for, *sup.* 113.
- in actions for judgment by default, i. 189.
- (3) Costs in actions sent for trial or removed from the High Court to the County Courts, 137, 453, *sup.* 142.
- actions of contract removed into the County Court, i. 138, 446.
- actions of tort removed into the County Courts, i. 138, 448.
- (4) Costs in actions removed from the County Courts to the High Court, i. 139.
- for unnecessary prolixity of further particulars, *sup.* 94.
- costs on payment of money into court, i. 199, *sup.* 108.
- after notice of defence under "County Courts Act, 1875," *sup.* 289.
- to defendant where plaintiff does not recover more than is paid into court, i. 200.
- where plaintiff does not appear at trial, i. 272, *sup.* 108.
- form of order for, *sup.* 302.
- for misjoinder of plaintiff, *sup.* 90.
- costs on certiorari, i. 218.
- costs in actions by executors and administrators, i. 287.



COSTS — *continued*.

- costs on discontinuance, *sup.* 145, 289.
- costs on disclaimer, *sup.* 102.
- costs on admission by defendant, *sup.* 103.
- costs on acceptance of money paid into court, *sup.* 108.
- of counter-claimants, *sup.* 291.
- of interrogatories, *sup.* 105.
- of inspection, ii. 69, *sup.* 105.
- of proving documents, after notice to admit, *sup.* 105.
- costs of new trial, i. 301, *sup.* 129.
  - scale of, *sup.* 274.
- costs on appeal, i. 311.
- costs of counter claim, *sup.* 143.
- costs of execution, i. 339, *sup.* 116.
- costs of warrant allowed though unproductive, *sup.* 142.
- costs of application for attachment of debts, i. 345, *sup.* 125.
- costs on orders of commitment on judgment-summons, *sup.* 119.
- costs in replevin, i. 406, *sup.* 124.
- of high bailiff in interpleader proceedings, *sup.* 122.
- on orders for recovery of possession of tenements, i. 420, *sup.* 113.
- in ejectment, *sup.* 113.
- scale,
  - under "The County Courts Act, 1875," *sup.* 8, 269.
- schedule of costs in the High Court, i. 456.
- of copyhold commissioners, recoverable in County Courts, i. 49.
- of reference and appeal under "The Agricultural Holdings Act, 1875," *sup.* 44.
- against claimant in interpleader, *sup.* 122.
- under "The County Courts Act, 1865,"
  - general rule as to, ii. 119.
  - costs out of the estate or fund, ii. 119.
  - between party and party, ii. 120.
  - costs, charges and expenses in the case of trustees, ii. 120.
  - of partition suit, ii. 17.
  - undertaking by next friend to pay, *sup.* 89.
    - form of, *sup.* 170.
  - on stay of proceedings, ii. 64.
  - of affidavits not in conformity with rules, disallowed on taxation, *sup.* 146.
  - costs to creditors, ii. 124, *sup.* 114.
  - interest on costs, ii. 124.
  - charging property with costs, ii. 124.
  - under the Friendly Societies and other acts, i. 136, *sup.* 29, 32.
  - in winding-up societies, ii. 140.
  - in probate and administration cases, ii. 197.
- in *admiralty cases*, ii. 183.
  - scale of, in actions *in rem*, *sup.* 291.
  - where proceedings unnecessarily taken in High Court of Admiralty, ii. 161.
  - for failure to give notice of defence in suit for collision, *sup.* 139.
  - security for costs on transfer of suits, ii. 167.
  - of assessors, ii. 174, *sup.* 139.
- in *bankruptcy*, ii. 405.
  - general provisions as to, ii. 405.
  - scale of, ii. 406.
  - in liquidation by arrangement, ii. 413.
  - of proceedings in the first instance, ii. 241.
  - costs of witnesses, ii. 217.
  - of receiver or manager on dismissal of petition, ii. 262.

**COSTS—continued.**

- in bankruptcy*—continued.
  - of trustee, ii. 287.
  - in case of joint estate, ii. 287.
  - of appeal on bankruptcy, ii. 303.
  - of prosecutions for frauds, ii. 419.

**COUNSEL, employment of, in the County Courts, i. 69.**

- before trial, i. 222.
- appearance by, i. 268.
- notice of employment of, unnecessary, i. 223, *sup.* 108.
- remuneration of, i. 71.
- allowance of fees of, i. 74.
- scale of fees to, *sup.* 270.
- where less than 5*l.* claimed, *sup.* 291.
- solicitor may appear without, in bankruptcy, ii. 211.
- but motions by, have precedence in bankruptcy, ii. 213.
- charges for, not allowed for applications in bankruptcy unless sanctioned by committee of inspection or by court, ii. 288.

**COUNTER CLAIMANT, may obtain, or be ordered to pay costs, *sup.* 291.****COUNTER CLAIMS by defendant, *sup.* 100.**

- need not sound in damages, *sup.* 288.
- statement of, to be filed seven days before return day, *sup.* 100
- to contain particulars, *sup.* 288.
- defendant may apply to add parties to, *sup.* 288.
- plaintiff may apply for disallowance of, *sup.* 100.
- registrar may postpone trial on account of, *sup.* 100.
- may be tried by independent action, *sup.* 109.
- defendant may have judgment for balance on, *sup.* 109.
- form of judgment where counter-claim is successful, *sup.* 302.
- scale of costs as to, *sup.* 143.
- amended, *sup.* 291.

**COUNTIES, boundaries of, when adjoining the sea, ii. 146, n.**

- division of, into districts, i. 3.

**COUNTY COURT, *see passim.***

- a court of ancient jurisdiction, i. 2.
- old County Court to continue to be holden for other purposes, i. 3.
- meaning of words "County Court," i. 116.
- notice of action for anything done in pursuance of County Court Acts, i. 85, 150.

**COUNTY COURTS ACT, 1875, *sup.* 3.**

- in what cases plaintiff may require defendant to give notice of intention to defend, *sup.* 3.
- costs on payment into court after notice to defend, *sup.* 289.
- judgment for default of appearance, *sup.* 4.
- summonses to witnesses, *sup.* 5.
- service of summonses, *sup.* 5.
- proof of service, *sup.* 5.
- power of judge, on *ex parte* applications, to make orders, &c. in, pending proceedings, *sup.* 6.
- appointment of assessors to sit with judge, *sup.* 6.
- appeal may be made within eight days, by *ex parte* motion to court or judge, *sup.* 7.
- remuneration of officers under act, *sup.* 8.
- provisions not to apply to City of London Court, *sup.* 8.
- power to frame rules, orders and scale of costs, *sup.* 8.
- appointment of high bailiff as registrar, to vacate former office, *sup.* 9.
- no appeal from judgment of High Court affirming judgment of County Court, without permission of judge of High Court, *sup.* 9.

COUNTY COURTS ACT, 1875—*continued*.

- in an appeal against admiralty case tried with assessors in County Court elder brethren of Trinity House to be summoned, *sup.* 9.
- repeal of enactments, *sup.* 9, 12.
- commencement of act, *sup.* 9.
- schedule of forms, *sup.* 10.

COUNTY COURT RULES, 1875, *sup.* 81.

- table of contents of, *sup.* 53.
- operation of, to commence on 2nd November, 1875, *sup.* 81.
- interpretations, *sup.* 81.
- court and offices, *sup.* 82.
- officers, *sup.* 83.
- receiver, *sup.* 87.
- commencement of action, *sup.* 88.
- parties, *sup.* 90.
- joinder of causes of action, *sup.* 92.
- particulars and statement of claim, *sup.* 93.
- plaint note and summons, *sup.* 94.
- special defences, *sup.* 98.
- counter-claims, *sup.* 100.
- interlocutory, and interim orders, &c., *sup.* 101.
- discontinuance, *sup.* 102.
- disclaimer, *sup.* 102.
- admission, *sup.* 102.
- payment into court, *sup.* 102.
- discovery, inspection and admission, *sup.* 104.
- evidence, *sup.* 106.
- change of parties, *sup.* 107.
- trial, *sup.* 108.
- amendment, *sup.* 109.
- judgments and orders, *sup.* 110.
- enforcement of judgment and orders, *sup.* 116.
- actions remitted from or transferred to High Court, *sup.* 120.
- interpleader, *sup.* 121.
- replevin, *sup.* 123.
- arbitration, *sup.* 124.
- attachment of debts, *sup.* 124.
- proceedings by and against executors and administrators, *sup.* 125.
- transmission of process and proceeds of warrants to and from foreign districts, *sup.* 127.
- funds, *sup.* 127.
- new trial, *sup.* 128.
- appeal by special case, *sup.* 129.
- security, *sup.* 131.
- proceedings under Trustees Relief Act, Trustee Acts, and for maintenance and advancement of infants, *sup.* 131.
- assessors, *sup.* 134.
- admiralty actions, *sup.* 135.
- "Agricultural Holdings Act, 1875," *sup.* 140.
- proceedings under Friendly Societies Act, *sup.* 141.
- costs, *sup.* 142.
- practice, *sup.* 143.
- amendment of preceding orders, *sup.* 148.
- "Companies Acts, 1862 & 1867," "Industrial and Provident Societies Act, 1862" and "Building Societies Act, 1875," *sup.* 149.
- proceedings not referred to in foregoing rules, *sup.* 149.
- forms, *sup.* 150.
- allowance to witnesses, *sup.* 268.
- scale of costs, *sup.* 269.
- court fees, *sup.* 275.

- COUNTY COURT RULES, 1876, *sup.* 287.  
to come into operation on 3rd of April, 1876, *sup.* 326.
- COURT, constitution of courts in general, i. 2.  
surrender and merger of, of lords of manors, &c., i. 6.  
and of local courts, i. 6.  
property of, i. 8.  
revenue of, i. 12.  
time and place for holding, i. 9, *sup.* 82.  
powers and duties of judge as to holding, i. 92.  
where plaints to be entered, i. 140.  
contempt of, how punished, i. 79.  
officers of, i. 101, *sup.* 83.  
payment into, i. 199, 594, *sup.* 103.  
of Bankruptcy, description of, ii. 201, 277, n.  
general powers and jurisdiction of, ii. 203.  
time of sittings, ii. 211.
- COURT FEES, Schedule of, *sup.* 275.
- COURT HOUSES, i. 7.  
property in, &c. transferred to Commissioners of Works and Public Buildings, i. 8.
- COURT OF PASSAGE, at Liverpool, ii. 158, n.
- COVENANT, particulars in actions for breaches of, i. 157.  
judgment in actions for penalties to secure the performance of, i. 158.  
on application for injunction for breach of, or for specific performance of, damages may be awarded, ii. 75.  
breach of, by landlord, *sup.* 41.
- COVERTURE, defence of, i. 523.  
of the plaintiff, i. 523.  
of the defendant, i. 524.  
notice of, i. 526, *sup.* 99.  
form of, *sup.* 183.  
proof of, i. 526.  
in answer to the Statute of Limitations, i. 584.  
proceedings where a woman obtains judgment on the ground of, *sup.* 120.  
effect of, on negotiable instruments, i. 753.  
*See* HUSBAND.
- CREDIT, giving, in particulars of demand, i. 156.  
payments by giving, in account, i. 557.  
not expired, defence of, i. 535.  
proof of sale on, i. 536.
- CREDITOR,  
petitioning, in bankruptcy. *See* PETITIONING CREDITOR.
- CREDITORS, advertisements for, in administration matters, *sup.* 114.  
need not prove, unless served with notice, *sup.* 114.  
to produce security, *sup.* 114.  
failing to comply with rules, to have no costs of proof, *sup.* 114.  
may send in claim two days before adjudication, *sup.* 115.  
allowance of interest to, *sup.* 144.  
in case of deficiency of assets, same rule as to secured and unsecured creditors to apply as in bankruptcy, *sup.* 33.  
frauds upon, i. 372.  
arrangement and composition with, defence of, i. 593.  
continuance of action for the benefit of, of bankrupts, i. 236.  
suits by, i. 45, ii. 6.  
how commenced, ii. 31.

**CREDITORS—continued.**

- form of particulars, *sup.* 174.
- proof of claims by, *sup.* 114.
- notice to, to prove, *sup.* 114.
  - form of, *sup.* 245.
- notice to, of allowance of claim, *sup.* 115.
  - form of, *sup.* 245.
- costs of, of proving debts, ii. 124, *sup.* 114.
- representation of, in bankruptcy, by agent, ii. 212.
- assignment for the benefit of, an act of bankruptcy, ii. 227.
- meetings of creditors,
  - first, ii. 263.
  - subsequent, ii. 295. *See* MEETINGS OF CREDITORS.
- creditor's trustee, ii. 273. *See* TRUSTEE.
- control of trustee by, ii. 279.
- directions to trustee by, ii. 279.
- proof by, ii. 342.
- secured, proof by, ii. 346.
  - joint, ii. 354.
- dividends to, ii. 353.

**CRIMINAL CONVERSATION**, actions for, excluded from the jurisdiction of the County Courts, i. 26, 33.  
 action now abolished, i. 33.

**CRIMINATE**, rules as to answering interrogatories, tending to, i. 252.

**CROSS ACTIONS** in admiralty, *sup.* 137.

**CROSS-EXAMINATION** of witness, i. 494. *See* EXAMINATION.

**CROSS JUDGMENTS**, in case of, execution to issue for balance, i. 322.

**CROSS SUITS**, under admiralty jurisdiction, *sup.* 137.

**CROSSED CHEQUES**, i. 778.

**CROWN LANDS**, provision as to, under "The Agricultural Holdings Act, 1875," *sup.* 47.

**CUSTODY**, application for discharge, ii. 106, *sup.* 145.

notice of, ii. 107.

form of, *sup.* 252.

order of discharge, *sup.* 108.

form of, *sup.* 252.

proper, of documents, i. 479.

documents produced from proper, appearing genuine and not objected to, may be read without further proof, *sup.* 106.

**CUSTOM**, questions of, not excluded from the original jurisdiction of the County Court, i. 38.

evidence of, admissible to explain contracts, i. 475.

rights under local, i. 895, n.

**CUSTOM OF THE COUNTRY**, particulars of claim against tenant for not cultivating according to, i. 684.

**CUSTOMS**, jurisdiction of the County Court in matters connected with the, i. 54.

## D.

**DAMAGE FEASANT**, action of replevin in case of, i. 27, 387, *sup.* 123.

evidence, i. 908.

abuse of distress makes distrainer a trespasser, i. 824.

judgment, i. 407, *sup.* 123.

*See* REPLEVIN.

**DAMAGE TO SHIP**, admiralty jurisdiction respecting, ii. 148, 160.

form of particulars in action, *sup.* 177.

- DAMAGES**, in contracts, generally, i. 514.  
     in action against purchaser for not accepting goods, i. 660.  
     by vendee against vendor for not delivering goods, i. 664.  
     in action for breach of warranty, i. 670.  
         of horses, i. 676.  
     in actions for fraudulent representations, i. 680.  
     in actions for work and labour, i. 710.  
     in actions for assault, i. 791.  
     in actions for wrongfully taking goods, i. 836.  
     in actions for negligent driving, i. 848.  
     in actions against carriers, i. 874.  
     in detinue, *sup.* 147.  
     claim to, on interpleader, i. 373, *sup.* 122.  
         form of orders, *sup.* 203.  
     claim to, on adjudication on, a bar to other claims, i. 373.  
     in replevin, i. 407.  
     in action on replevin bond, i. 410.  
     in actions respecting easements, i. 901.  
     the only remedy at common law for non-performance of contracts,  
         ii. 14.  
     High Court and County Court may award, in addition to or in substitution for specific performance, ii. 14.  
     inapplicable to orders in the nature of injunctions, ii. 23.  
     power to award, in equitable proceedings, ii. 75, *sup.* 113.  
     in admiralty cases, ii. 148, 149.
- DANGEROUS ANIMALS**, liability of keeper of, i. 812, 849.
- DATE** of warrants of execution, i. 322.  
     of warrants of commitment, *sup.* 118.  
     of warrants to give possession of tenements, i. 415.  
     of petitioning creditor's debt, ii. 225.
- DAY**, costs of the, on adjournment of cause, *sup.* 146.
- DE BENE ESSE**, examination of witnesses, *sup.* 107.
- DEATH** of one or more of several plaintiffs or defendants before judgment,  
     not to abate the suit if the cause of action survives, *sup.* 107.  
     scire facias in consequence of, after judgment, *sup.* 107.  
     effect on appeal, of death of respondent, i. 312.  
     proceedings in ejectment on death of parties, i. 939.  
     effect of death of parties in action for personal services, i. 708, 715.  
     abatement of suit in equity by, ii. 100.  
     of bankrupt, ii. 304.  
     of trustee in bankruptcy, ii. 277.  
     of the judge, adjournment of the court in consequence of, i. 11.  
         appointment of deputy not vacated by, i. 99.  
     of registrar, i. 110.  
     of high bailiff, i. 113.  
     of bankrupt or his wife, depositions evidence, ii. 216.
- DEBT**, form of particulars in action for, *sup.* 171.  
     petitioner's, in bankruptcy, amount and nature of, ii. 224.  
     staying proceedings, when debt denied, ii. 255.
- DEBTORS**, commitment of, on judgment summonses, i. 352, *sup.* 116.  
     punishment of fraudulent, i. 372.  
     arrangement and composition by, i. 593.
- DEBTORS ACT**, 1869, provisions of, for commitment of judgment debtors,  
     i. 352.  
     rules under, *sup.* 116.
- DEBTOR'S SUMMONS**, an act of bankruptcy, ii. 231.

- DEBTS**, jurisdiction of the County Court in respect of, i. 26, 29.  
 extended to 50*l.*, i. 28.  
 payment of, by instalments, i. 68, *sup.* 112.  
 admission of, i. 68, 195, 268, *sup.* 103.  
 form of, *sup.* 240.  
 attachment of, i. 344, *sup.* 124.  
 punishment where debts fraudulently incurred, i. 372.  
 payment of, defence of, in action against administrator, &c., i. 639.  
 defence of outstanding, i. 640.  
 set-off of, i. 566.  
 equitable jurisdiction in reference to, ii. 6.  
 proof and allowance of, *sup.* 114.  
 certificate of registrar as to, *sup.* 115.  
 form of certificate, *sup.* 246.  
 interest on, ii. 93, 100, *sup.* 144.  
 form of order, *sup.* 242.  
 costs of proving, ii. 124.  
*in bankruptcy*,  
 declaration of inability to pay, an act of bankruptcy, ii. 230.  
 due to bankrupt in course of trade within the reputed ownership  
 clause, ii. 309.  
 proof of, ii. 342.  
 description of debts proveable, ii. 342.  
 dividends upon, ii. 353.  
 interest on, ii. 354.  
 priority of certain, ii. 357.
- DECEASED** person, memorandum by, how far evidence, i. 471.
- DECISIONS** of the court, how enforced, i. 80, *sup.* 116.
- DECLARATION** by witness instead of oath, i. 481.  
 of persons as to destruction of documents, admitted in evidence, i. 486.  
 of inability to pay, an act of bankruptcy, ii. 230.
- DEDUCTION** from wages, i. 719.  
 from compensation to tenant under "The Agricultural Holdings Act,  
 1875," *sup.* 41.
- DEEDS**, acknowledgment of, by married women, jurisdiction of the County  
 Court in respect of, i. 50, ii. 142.  
 form of prayer for injunction to restrain action to recover, ii. 39.  
 summons for production of, by witnesses, i. 225.  
 interlocutory order to produce, *sup.* 101.  
 order for preparation and execution of, *sup.* 113.  
 possession of, by trustee in bankruptcy, ii. 331.
- DEFAULT SUMMONS**, *sup.* 3.  
 definition of, *sup.* 81.  
 form of, *sup.* 156.  
 under Bills of Exchange Act, *sup.* 158.  
 affidavit to obtain, *sup.* 3.  
 form of, *sup.* 156.  
 form of plaint note, *sup.* 152.  
 under Bills of Exchange Act, *sup.* 153.  
 form of letter to accompany summons for service in foreign district,  
*sup.* 293.  
 high bailiff to send notice of service of, to plaintiff within two days,  
*sup.* 86.  
 form of notice, *sup.* 294.  
 may be served by solicitor or clerk, *sup.* 89.  
 form of notice by solicitor, *sup.* 296.  
 affidavit of service by solicitor, *sup.* 89.  
 form of affidavit, *sup.* 296.  
 may be served on defendant where met, *sup.* 97.

DEFAULT SUMMONS—*continued.*

- must be served within six months, *sup.* 97.
- where husband and wife are co-defendants, service on husband is good service on wife, *sup.* 97.
- forms of notice of trial, *sup.* 293.
- proceedings on, where neither party appears, *sup.* 108.
- where only plaintiff appears, *sup.* 108.
- of only defendant appears, *sup.* 108.
- after judgment on, no order need be drawn up or served, *sup.* 112.
- may be exchanged for ordinary summons, *sup.* 143, 291.
- judgment not to be signed after six months from service, *sup.* 97.

## DEFEASIBLE property, in bankruptcy, ii. 327.

DEFECTS in proceedings, amendments of, i. 281, *sup.* 109.

## DEFENCE, in action for goods sold, i. 517.

- notice of, in what cases, i. 201, *sup.* 4, 99.
- of compulsory pilotage in action for collision, *sup.* 139.
- defence of possession, i. 797.
- counter-claims, *sup.* 100.
- affidavit of, by defendant residing twenty miles from court, *sup.* 101.
- See also* SPECIAL DEFENCES.

## DEFENDANT, costs of, in the Superior Courts, i. 127.

- summons to be issued in general where defendant dwells or carries on business, i. 140.
- or where recently resided, i. 142.
- place of business of, i. 141.
- several defendants, proceedings against, i. 155.
- service on, *sup.* 85, 94.
- when out of England, *sup.* 147.
- service on one of several, jointly liable, i. 180.
- residence of, to be given on entry of plaint, i. 153, *sup.* 88.
- except when plaint issued by leave, defendant residing within district, when service to be personal, *sup.* 88.
- description of, when christian name unknown, i. 153.
- proceedings of, on service of summons, i. 195, *sup.* 98.
- removal of proceedings by, and objection to jurisdiction by, i. 42, 211, *sup.* 99.
- security by, *sup.* 99.
- appointment of guardian of infant defendant, *sup.* 90.
- proceedings when defendant does not appear on the trial, i. 270, *sup.* 108.
- proceedings when, appears and admits claim, i. 268, *sup.* 108.
- when defendant only appears, i. 272, *sup.* 108.
- form of order for costs, *sup.* 302.
- on default summons, *sup.* 108.
- may obtain costs in case of misjoinder of plaintiffs, *sup.* 90.
- may within three days obtain further particulars, *sup.* 93.
- every person may be joined as, against whom right to relief is alleged to exist, *sup.* 90.
- order may be made to prevent a defendant from incurring expense by attending proceedings where he has no interest, *sup.* 90.
- persons severally, or jointly and severally, liable on a contract may be joined by plaintiff at his option, *sup.* 90.
- executor, administrator, or trustee may be sued, without adding persons beneficially interested, *sup.* 90.
- but parties beneficially interested may be added at any stage of the proceedings, *sup.* 288.
- infant may defend action by guardian, *sup.* 90.
- appointment of guardian at trial, *sup.* 108.
- form of appointment, *sup.* 195.



DEFENDANT—*continued.*

- married woman may, by leave of registrar, sue without husband or next friend, *sup.* 90.
- registrar may require security, *sup.* 90.
- where numerous parties have the same interest, either may sue or be authorized to defend, *sup.* 90.
- interlocutory application for leave to defend, *sup.* 90.
- death of one of several before judgment, i. 236, *sup.* 107.
- after judgment, *sup.* 107.
- substitution of another person as, i. 281, *sup.* 107.
- insufficient description of, *sup.* 110.
- misjoinder of, *sup.* 110.
- judgment for, i. 286.
- form of, *sup.* 160.
- on counter-claim, *sup.* 109.
- form of, *sup.* 302.
- in replevin, *sup.* 123.
- form of, *sup.* 233.
- judgment for and against defendant executor, &c., i. 287, *sup.* 126.
- judgment against executors of deceased defendant, *sup.* 107.
- new trial by, where he has not appeared on first trial, *sup.* 109.
- partners may be sued in name of firm, *sup.* 90.
- form of notice to partners, *sup.* 185.
- in ejectment all persons alleged to be in possession to be defendants, *sup.* 91.
- claims by or against executor or administrator may be joined with claims by or against them personally in respect of same estate, *sup.* 92.
- claims by or against husband and wife may be joined with claims by or against either separately, *sup.* 92.
- lunatic may be sued by committee or guardian, *sup.* 92.
- defendant in ejectment may obtain leave to defend on behalf of others in same interest, *sup.* 98.
- form of notice, *sup.* 185.
- person not sued may obtain leave to defend in ejectment, *sup.* 98.
- defendant in ejectment may give notice to defend as to part of property, *sup.* 98.
- confession by, in ejectment, *sup.* 145.
- forms of, *sup.* 228.
- must give notice of special defence five days before return-day, *sup.* 99.
- in case of default of notice, judge may adjourn trial, *sup.* 99.
- must give particulars of set-off or counter-claim, *sup.* 288.
- defendant relying on equitable defence must file statement five days before hearing, *sup.* 100.
- form of notice, *sup.* 184.
- defendant relying on tender must pay the money into court before or at trial, *sup.* 100.
- counter-claims by, *sup.* 288.
- right claim relied on need not sound in damages, *sup.* 288.
- defendant may apply to add parties to counter-claim, *sup.* 288.
- statement of, must be filed seven days before trial, *sup.* 100.
- registrar may adjourn trial on, *sup.* 100.
- form of statement, *sup.* 240.
- plaintiff may apply for disallowance of, *sup.* 100.
- defendant may file notice of claim against third party five clear days before return-day, *sup.* 288.
- person served with notice of claim to contribution, &c., to be in position of a defendant, *sup.* 289.
- form of notice to third parties, *sup.* 309.
- may on four days' notice apply to judge for directions, &c., *sup.* 289.
- if defendant resides more than twenty miles from court, plaintiff may be ordered to make deposit, *sup.* 101.

DEFENDANT—*continued.*

- affidavit of merits by defendant, *sup.* 101.
- may disclaim interest in subject-matter, *sup.* 102.
- may raise questions of law without admitting truth, *sup.* 102.
- may state new fact or document, *sup.* 103.
- may admit truth of plaintiff's statement, *sup.* 103.
  - form of admission, *sup.* 208.
- assignment, creation, or devolution of title of, *sup.* 107.
- forms of notice, *sup.* 301.
- notice to, of change of plaintiff, *sup.* 107.
- form of notice, *sup.* 209.
- person added as, to be served with copy, order and summons, *sup.* 290.
- judgment may be given for, for balance of set-off or counter-claim, *sup.* 109.
- summons in nature of *scire facias* against, *sup.* 107.
  - form of summons, *sup.* 210.
  - form of judgment on, *sup.* 210.
- examination of, after judgment as to debts due, *sup.* 124.
  - form of notice by plaintiff for, *sup.* 195.
- may obtain costs on discontinuance, *sup.* 145.

DELAY in delivering goods, action for, i. 874.

DELEGATION of powers by judges in bankruptcy, ii. 204.

DELIVERY of goods, proof of, i. 505.

- to carrier, i. 507.
- of part of under Statute of Frauds, i. 513.
- by third parties, i. 596.
- to third parties, i. 600.
- action for non-delivery, i. 660.
- of specific goods, proceedings where claim for, i. 293.
  - execution for, i. 330.
- of property with intent to defraud creditors, i. 372.
- of attorney's bill, i. 723.
- of interrogatories, i. 239, 250.
- of deeds to be cancelled, ii. 12, 14, 31.
- of land and goods, execution to enforce, in equity, ii. 104.

DEMAND, nature and amount of, to give jurisdiction, i. 29.

- splitting, to bring several actions, i. 30.
- of debt, to avoid effect of tender, i. 564.
- of goods, proof of, as evidence of a conversion, i. 833.
- of warrant before action, i. 151.
- of jury, i. 223, *sup.* 108.
  - notice of, how made, i. 224, *sup.* 108.

DEMAND (PARTICULARS OF), i. 155, *sup.* 93. *See* PARTICULARS OF DEMAND.

DEPOSIT of money in lieu of security, i. 76, 234, *sup.* 131.

- on demand of jury, i. 224.
- by plaintiff when defendant resides more than twenty miles from court, *sup.* 101.
  - form of notice, &c., *sup.* 186.
- mortgage by, without express agreement, form of plaint in respect of, ii. 39.
- of security in court, ii. 53, *sup.* 131.
  - form of certificate, *sup.* 255.
- of money as security, in admiralty suit, ii. 170.
  - in bankruptcy, ii. 214.
- acknowledgment to be given for every deposit in court, *sup.* 84.
  - form of certificate, *sup.* 171.

- DEPOSITION of witness, how taken and returned, *sup.* 106.  
to be read as evidence of person, by whom used, *sup.* 107.
- DEPUTY JUDGE, appointment of, i. 98.  
qualification of, i. 98.  
not vacated by death of judge, i. 99.  
not to practise in district, i. 100.  
remuneration of, after death of judge, i. 99.
- DEPUTY REGISTRAR, appointment of, i. 110.  
in city of London court, i. 117<sup>1</sup>/<sub>2</sub>n.
- DESCRIPTION of parties on entering the plaint, i. 153.  
amendment in, i. 281, *sup.* 109.
- DESIGNS, copyright in, piracy of, i. 53.  
particulars in action for, i. 160.
- DETENTION of goods, action on contract for, i. 681.  
action of tort for, i. 824, 833.  
of vessel or property pending admiralty proceedings, ii. 170, *sup.* 137.  
form of warrant, *sup.* 262.  
where owner is unknown, *sup.* 138.
- DETERMINATION of interest by bankruptcy, ii. 326.
- DETINUE, action of, i. 681.  
form of particulars in, *sup.* 172.  
choice of remedies, i. 397.  
value of goods, the test of jurisdiction in, i. 29.  
judgment in actions of, *sup.* 147.  
form of, *sup.* 234.  
execution in actions of, i. 328, *sup.* 147.  
form of warrant, *sup.* 234.
- DEVASTAVIT, judgment against an executor on a, *sup.* 125.  
form of, *sup.* 215.
- DEVISE, questions of the validity of any, excluded from the original jurisdiction of the County Courts, i. 26.  
not affected by subsequent extension of jurisdiction to questions of title, i. 41.
- DEVISEE, equitable suits by, i. 45, ii. 6, 31.  
ejectment by, i. 937.
- DEVOLUTION of property on trustee in bankruptcy, ii. 274.
- DIRECTIONS, application to judge for further, in equitable suits, *sup.* 115.  
application for, to court by trustee in bankruptcy, ii. 280.  
to trustee in bankruptcy by creditors or committee of inspection, ii. 279.
- DIRECTORS of companies, liability of, i. 604.  
duties of, to make minutes of contracts, i. 608.
- DISABILITY to sue in answer to plea of the Statute of Limitations, i. 584.  
under Prescription Act, i. 896.
- DISALLOWANCE of costs of affidavit not in conformity with rules, *sup.* 146.
- DISCHARGE of debtor from order of commitment, i. 356, 359, 362, *sup.* 118.  
of servant by magistrates, defence of, i. 718.  
of charge of assault by magistrates, i. 795.  
order of, in bankruptcy, i. 590, ii. 360.  
proof of, i. 591.  
from custody, notice of application for, ii. 106, *sup.* 145.  
form of, *sup.* 252.

- DISCHARGE**—*continued*.  
 order of, ii. 107.  
 form of, *sup.* 252.  
 order for, from custody on contempt in bankruptcy, ii. 292.
- DISCLAIMER** by defendant, ii. 62, *sup.* 102.  
 of onerous property in bankruptcy, ii. 325.  
 proof where persons injured by, ii. 348.
- DISCONTINUANCE** of action, *sup.* 289.  
 notice of, *sup.* 289.  
 costs on, *sup.* 289.  
 form of notice, *sup.* 299.  
 of another action for same cause, i. 280, n.  
 adjournment to enable, i. 280.
- DISCOVERY**, powers of, in general, i. 44, 239, *sup.* 104.  
 no power as to, before "The Common Law Procedure Act, 1854," i. 240.  
 power to deliver interrogatories under "The Common Law Procedure Act, 1854," i. 250.  
 affidavit, i. 250, 256, *sup.* 105.  
 form of, *sup.* 181.  
 affidavit in answer, *sup.* 105.  
 form of, *sup.* 182.  
 objection to answer, *sup.* 105.  
 oral examination, i. 251, *sup.* 105.  
 proceedings upon rule and order, i. 251, *sup.* 105.  
 where the answer may tend to criminate, i. 252.  
 in ejectment, i. 253.  
 particular cases where, and circumstances under which a plaintiff entitled to interrogate, i. 253.  
 where interrogatories by plaintiff not allowed, i. 254.  
 interrogatories by a defendant, i. 254.  
 reforming interrogatories, i. 255.  
 County Court rules relating to interrogatories, *sup.* 105.  
 of property in bankruptcy, ii. 337.
- DISCREDITING WITNESS**, rule of evidence as to, i. 495.
- DISHONOUR** of bill, proof of notice of, i. 774, 776.
- DISMISSAL** of servant for misconduct, i. 717.  
 action for wrongful dismissal, i. 716.
- DISMISSAL** of suit at plaintiff's instance before return day, *sup.* 102.  
 of debtors' summons in bankruptcy, ii. 237.  
 affidavit on application, ii. 238.  
 order on application, ii. 238.  
 of petition in bankruptcy, ii. 261.
- DISPOSAL** of goods taken in execution, i. 333, *sup.* 87.  
 of farm produce, i. 338.  
 conversion of goods by disposal, i. 881.
- DISPUTES** in friendly societies, jurisdiction respecting, ii. 130, *sup.* 22.
- DISSENT** of defendants to try in County Court, i. 42.
- DISSOLUTION** of partnership, jurisdiction of County Courts for, ii. 21.  
 actions for, i. 45, ii. 31.  
 form of particulars, *sup.* 176.

**DISSOLUTION—continued.**

- form of order for dissolution, *sup.* 244.
- proof of dissolution, i. 619, 786.

**DISTRAIN**, authority to, i. 884.**DISTRESS** for penalties under County Court Acts, i. 86.

- when defence to action for rent, i. 697.
- to action of trespass, i. 823.
- remedy for irregularity in, i. 828.
- in actions of replevin, i. 27, 387, 390.
- for what distrains replevin lies, i. 393.
- form of notice, *sup.* 231.
- for rent, judgment in replevin on, i. 407, *sup.* 123.
- evidence, i. 904.
- damage feasant, judgment in replevin on, i. 407, *sup.* 123.
- evidence, i. 908.
- forms of judgments, *sup.* 233.
- action for illegal, may be remitted to County Court, i. 43, 448.
- not unlawful for want of form, i. 85.

**DISTRIBUTION** of assets by executor, i. 639.

- of bankrupt's property, ii. 353.

**DISTRIBUTIVE** share, jurisdiction of County Courts in actions for, i. 27,

- ii. 2.
- evidence, i. 786.

**DISTRICT**, in what, to sue, i. 140.

- where the defendant resides, i. 141.
- where the defendant recently resided, i. 142.
- where the cause of action arose, i. 143.
- provision as to metropolitan, i. 146.
- city of London, i. 147.
- where the judge of the court is a party, i. 148.
- where the action against officers of court, i. 148.
- in what, proceedings under County Court Act, 1865, are to be taken, ii. 126.
- in what, proceedings in the case of small charities are to be taken, ii. 126.
- for admiralty purposes, ii. 157, 163.
- in bankruptcy, ii. 201.
- exclusion of, by chancellor, ii. 203.
- London bankruptcy district, ii. 202.
- service of process on boundaries of, i. 177.
- execution out of, i. 315, *sup.* 127.
- defence that action did not arise within, i. 530.

**DISTRINGAS**, form of, under Mercantile Law Amendment Act, 1856, *sup.* 237.**DIVIDENDS** in bankruptcy, ii. 353.

- joint creditors, ii. 354.
- unclaimed, ii. 354.
- interest on debts, ii. 354.
- rules respecting, ii. 354.
- forms, ii. 355, 356.
- See also* PRIORITIES, ii. 357.

**DIVIDING** cause of action, i. 27.

- not to be divided for purpose of bringing several actions, i. 30.
- defence that cause of action is divided, i. 538.

DIVORCE, liability of husband after, for wife's contracts, i. 627.

DOCUMENTARY EVIDENCE, i. 470.

- memorandum, i. 470.
- made by a party since deceased in the course of his business, i. 471.
- document must be produced, i. 471.
- agreement cannot be varied by verbal evidence, i. 472.
- collateral contract, i. 474.
- effect of subsequent alteration, i. 474.
- written contract may be explained, i. 475.
- parol evidence to fill up blanks in written contract, i. 477.
- stamp, i. 478.

DOCUMENTS, proof of, i. 478.

- extraordinary rule respecting proof of, i. 229, n., 478.
- ancient documents, i. 479.
- when produced from proper custody and not objected to, may be read without further proof, *sup.* 106.
- proof of handwriting, i. 479.
- attesting witness, i. 483.
- secondary evidence of, i. 484.
- when writing in the possession of the opposite party, i. 484.
- when writing lost, i. 485.
- proof of, of a public nature, i. 486.
- examined copies, i. 486.
- office copies, i. 487.
- statutable provisions respecting records and judicial proceedings, i. 487.
- proceedings in County Courts, i. 487.
- statutable provisions as to public and other documents, i. 488.
- acts of parliament, i. 488.
- proclamations, &c., i. 489.
- bye-laws and proceedings of municipal corporations, i. 489.
- notice to inspect and produce, i. 228, *sup.* 104.
- form of order, *sup.* 299.
- notice to admit, i. 229, *sup.* 105.
- form of notice, *sup.* 300.
- costs of proving, after notice, *sup.* 105.
- inspection and discovery of, in general, i. 239, ii. 68, *sup.* 104.
- production of, before "The Common Law Procedure Act, 1854," i. 240.
- inspection of, under "The Common Law Procedure Act, 1854," i. 242.
- form of order, *sup.* 104.
- stamping, at trial i. 496.
- service of, *sup.* 149.
- filing of, *sup.* 146.
- sealing of, *sup.* 146.
- copies of, ii. 68, *sup.* 143.
- special rules as to proof of, ii. 26, 74.
- in admiralty,*
- inspection and copies of, ii. 172, *sup.* 139.

DOGS, liability for owners of, for injuries by, i. 813, 849.

- trespass for taking or killing, i. 848.

DOMESTIC SERVANT, definition of, i. 713.

- DOORS, breaking of, to take goods in execution, i. 336.
- DORMANT PARTNER, liability of, i. 616.
- DOUBTFUL service of summons, proceedings on, i. 271, n., *sup.* 83.
- DRAINAGE, particulars of claim for interruption of, i. 880.  
evidence in respect of, i. 901.
- DRAWER of bill, action by, *v.* acceptor, i. 773.  
against payee, i. 774.  
against indorsee, i. 776.
- DRAWING of bill of exchange, proof of, i. 774.
- DRIVING, action for negligence in, i. 809, 846.
- DUCHY of Cornwall, provisions as to property of, under "The Agricultural Holdings Act, 1875," *sup.* 47.
- DUCHY of Lancaster, appointment of judges in the, i. 89.  
of registrars, i. 106.  
provisions as to property of, under "The Agricultural Holdings Act, 1875," *sup.* 47.
- DURATION of warrants of execution, *sup.* 116.  
of orders of commitment, i. 359, *sup.* 116.  
of warrants of possession, i. 415.
- DURESS, money paid under, i. 742.
- DWELLING of defendant, meaning of, in questions relating to entry or  
plaint, i. 141.  
applicable to railway companies and corporations, i. 141.

## E.

- EARNEST, or part payment, to take case out of Statute of Frauds, i. 648.
- EASEMENTS, jurisdiction of County Courts in questions as to title to, i. 37.  
particulars of demand in actions, i. 157.  
actions relating to, i. 880.  
    (1) easements in general, i. 881.  
    (2) acquisition of easements, i. 889.  
    (3) evidence in actions for interruption of rights of way and  
        drainage and for obstruction of light, i. 900.
- EFFECT OF ADJUDICATION OF BANKRUPTCY, ii. 307.
- EJECTMENT, action of, excluded from the original jurisdiction of the  
County Courts, i. 26.  
jurisdiction in, under "The County Courts Act, 1867," i. 35, 424,  
939, 940.  
interrogatories in actions of, when allowed, i. 253.  
rules in actions of, *sup.* 92.  
    all persons in whom title alleged, to be defendants, *sup.* 91.  
    all persons alleged to be in possession or apparent possession, to  
        be defendants, *sup.* 91.  
    cannot be joined with other causes of action, except for mesne  
        profits and for rent, *sup.* 92.

EJECTMENT—*continued.*rules in actions of—*continued.*

- summons, *sup.* 93.
  - form of, *sup.* 218.
  - property to be described in particulars, *sup.* 93.
    - form of particulars, *sup.* 173.
  - service, *sup.* 95.
  - must be delivered to bailiff forty days, and served thirty-five days before return day, *sup.* 95.
  - application to try, in High Court, i. 96.
  - person not sued may obtain leave to defend, *sup.* 98.
  - notice of appearance, *sup.* 98.
    - form of notice of appearance, *sup.* 219.
  - limiting defence to part of property, *sup.* 98.
    - forms of notice of withdrawal or limitation, *sup.* 219.
  - judgment, *sup.* 112.
    - forms of judgment, *sup.* 219.
  - where title expired before trial, *sup.* 112.
  - case for opinion of judge, *sup.* 102.
    - form of, *sup.* 222.
  - appeal, i. 303.
  - execution, *sup.* 112.
    - warrants of, *sup.* 112.
      - forms of warrants, *sup.* 217, 222.
    - execution for costs against plaintiffs, *sup.* 113.
      - form of warrant, *sup.* 222.
  - continuance on death of parties, *sup.* 107.
    - death of one of several plaintiffs, *sup.* 107.
    - death of one or more plaintiffs after judgment and execution, *sup.* 107.
    - death of sole plaintiff after judgment and before execution, *sup.* 107.
    - death of one or more of several defendants, *sup.* 107.
    - death of sole defendant, *sup.* 107.
    - form of order for leave to claimant to appear, *sup.* 227.
    - death of defendant after judgment, *sup.* 107.
    - death of one of several defendants, *sup.* 107.
  - proceedings where plaintiff is desirous of not proceeding, *sup.* 102.
    - where plaintiff abandons part of claim, *sup.* 102.
      - form of notice, *sup.* 219.
  - striking out one of several plaintiffs, *sup.* 102.
  - confession of action as to whole or part of property, i. 429, *sup.* 145.
    - forms of, *sup.* 228.
  - no ejectment where proceedings can be taken under "The County Courts Acts, 1856," *sup.* 145.
  - form of notice of payment into court, in action of, *sup.* 229.
  - forms of orders for re-conveyance in, *sup.* 230.
  - costs in ejectment, *sup.* 112.
    - execution for, i. 426, *sup.* 118.
  - forms of warrant, *sup.* 222.
  - form of summons in nature of *scire facias* for costs, *sup.* 227.
  - evidence in actions of ejectment, i. 934.
    - ejectment by heir at law, i. 936.
      - by devisee, i. 937.
      - by landlord against tenant, i. 938.
      - by joint tenant, tenant in common or coparcener, i. 938.
      - by mortgagee, i. 939.



**EJECTMENT—continued.**evidence in actions of ejectment—*continued.*ejectment by heir at law—*continued.*

proof on death of parties after commencement of action, i. 939.

objection to the jurisdiction, i. 939.

**ELECTION** to sue in the County Courts, in reference to the right or liability to costs, i. 118.

of form of action,—replevin, trespass, trover or detinue, i. 397.

**ELECTIONS**, municipal, recovery of penalties for bribery at, i. 54.**ELOIGNMENT**, in replevin, i. 404, n.**EMPLOYERS AND WORKMEN ACT**, 1875, *sup.* 37, 148.court may order payment, set-off, rescission of contract, or security for performance, *sup.* 37.form of undertaking to perform contract, *sup.* 309.**ENDORSEMENT** of service or of summons on copy, *sup.* 5, 85.**ENFORCEMENT** of decisions and orders of the court, i. 80, 92, *sup.* 116.**ENFORCING** charge or lien, suits for, ii. 10.judgments and orders, ii. 102, *sup.* 116.orders in the case of friendly and other societies, *sup.* 141.

for setting aside agreements between solicitors and their clients, ii. 140.

decrees in admiralty causes, ii. 178, *sup.* 138.

bankruptcy, general circumstances under which it can be enforced, ii. 220.

orders and warrants of courts in bankruptcy, ii. 205.

provision of a composition, ii. 300.

enforcement of debts against undischarged bankrupt, ii. 370.

**ENLARGING** or abridging time for taking steps, *sup.* 144.**ENTRIES** of proceedings in books, certified copies of, evidence, i. 78.**ENTRY** of the plaint, i. 140, 164, *sup.* 93.

in what district, i. 140.

entry by letter, *sup.* 143.preliminary proceedings before, i. 148, *sup.* 88.fees and costs on entry of plaint, i. 161, *sup.* 275, 278.registrar to give sealed plaint-note, *sup.* 94.form of præcipe on, in admiralty, *sup.* 261.**EQUITABLE** answers to actions and defences, ii. 5, *sup.* 100.**EQUITABLE** assets, ii. 7.**EQUITABLE** jurisdiction of county courts, i. 44, ii. 2.

special jurisdiction in various matters, ii. 125.

governed by established principles and rules of equity, i. 58.

enforcement of orders and judgments, i. 81.

effect of "Judicature Act, 1873," on, i. 58.

**EQUITABLE** defences, i. 258, ii. 5.

object of allowing, i. 258.

application of Common Law Procedure Acts to County Courts, i. 259.

cases where defence allowed, i. 260.

**EQUITABLE—continued.**

- equitable reply, i. 260, 262.
- notice of defence, i. 203, 263.
- form of notice, *sup.* 184.

**EQUITABLE MORTGAGES, ii. 11.**

- EQUITY**, jurisdiction, powers and practice of County Courts in, ii. 1, 145.
- powers of courts of, in compelling discovery of documents, i. 240.
- principles in, on which judge acts in, ii. 77.
- rules of, to prevail over rules of common law under Judicature Act, i. 62.

**ERASURES**, effect of, in affidavit, *sup.* 147.**ERROR**, writ of, execution not to be stayed by, i. 76, 315.**ERRORS**, amendment of, in proceedings, i. 281, *sup.* 109.**ESTABLISHMENT** of the county courts, i. 2.

- ESTATE**, suit for administration of, i. 45.
- transfer of real and personal, by court, ii. 19.
- form of personal estate account, *sup.* 246.
- outstanding real and personal, registrar's certificate as to, *sup.* 213.
- form of certificate, *sup.* 246.
- payment of costs out of, ii. 119.

- EVICITION**, defence of, to action for rent, i. 696.
- reply of, in replevin, i. 908.

**EVIDENCE**, general rules of, i. 462.

- (1) The thing or matter to be proved, i. 462.
  - must be confined to statement in summons and particulars of demand, i. 68, 464.
- (2) Oral, i. 465.
  - must not be hearsay, i. 466.
  - statements and admissions, i. 467.
  - admission by uncontradicted statements made in the presence of the parties, i. 468.
  - verbal admissions by agents, i. 468.
  - admission by payment, i. 469.
- (3) Documentary, i. 470.
  - memorandum, i. 470.
  - memorandum made by a person since deceased, in the course of his business, i. 471.
  - document must be produced, i. 471.
  - agreement cannot be varied by verbal evidence, i. 472.
  - collateral contract, i. 474.
  - subsequent alteration, i. 474.
  - written contract may be explained, i. 475.
  - parol evidence to fill up blanks in written contract, i. 477.
  - stamp, i. 478.
- (4) Proof of documents, i. 478.
  - ancient documents, i. 479.
  - documents produced from proper custody, if appearing genuine and unobjected to, may be read without further proof, *sup.* 106.
  - proof of handwriting, i. 479.
  - attesting witness, i. 483.

EVIDENCE—*continued*.

- (5) Secondary evidence of documents, i. 484.
  - when writing in the possession of the opposite party, i. 484.
  - when writing lost, i. 485.
- (6) Proof of documents of a public nature, i. 486.
  - examined copies, i. 486.
  - office copies, i. 487.
  - statutable provisions respecting records and judicial proceedings, i. 487.
  - proceedings in County Courts, i. 78, 487.
  - statutable provisions as to public and other documents, i. 488.
  - acts of parliament, i. 488.
  - proclamations, orders in council and of government departments, i. 489.
  - bye-laws and proceedings of municipal corporations, i. 489.
- appeal on the ground of the improper admission or rejection of, i. 301.
  - court of appeal may order new trial in case of, i. 301, 309, n.
  - special provision as to proof of documents, in suits in county courts, *sup.* 106.
  - books of account *prima facie* evidence, where accounts taken under order of court, ii. 28, *sup.* 114.
  - in petitions under Trustee Act and interlocutory applications, facts to be proved by affidavit, *sup.* 101.
  - adjournment for proof of documents, i. 74.
  - in admiralty cases*, ii. 176.
  - in bankruptcy*, ii. 216.
    - mode of taking evidence, ii. 216.
    - proof of proceedings, ii. 216.
    - deposition of deceased bankrupt or witness, ii. 216.
    - witnesses, ii. 217.
    - evidence of appointment of trustee, ii. 274.
  - See also EXAMINATION OF WITNESSES.

EX PARTE APPLICATION, *sup.* 6, 101.

- power of judge to make orders on, &c., in pending proceedings, *sup.* 6.

## EXAMINATION OF WITNESSES, i. 490.

- must be on oath or declaration, i. 491.
- witnesses must not be led, i. 493.
- refreshing the memory of a witness, i. 494.
- party discrediting his own witness, i. 495.
- proof of contradictory statements, i. 496.
- impugning veracity, i. 497.
- by County Court judge on winding-up companies, ii. 22.
- of witnesses out of jurisdiction, *sup.* 106.
- of witnesses *de bene esse*, *sup.* 106.
- of witnesses under sect. 53 of "Common Law Procedure Act, 1854," *sup.* 106.
- of bankrupt, ii. 292.
- of witness in bankruptcy, ii. 293.
- of judgment debtor, *sup.* 117.
- of defendant after judgment, as to debts due, *sup.* 124.
- of married woman interested in fund, *sup.* 128.

## EXAMINED copies of documents, admissibility of, in evidence, i. 486.

- compelling production of documents, for the purpose of taking, i. 240.

EXAMINER of witness *de bene esse*, *sup.* 107.

## EXCESS of demand, abandonment of, to give jurisdiction, i. 30.

- EXCHANGE of default summons for ordinary summons, *sup.* 143, 291.
- EXCLUSION of right of appeal, by agreement, i. 304.
- EXCLUSIVE jurisdiction of County Courts, i. 504.  
of bankruptcy courts, ii. 203.
- EXECUTION, proceedings between judgment and, i. 299.  
notice of appeal not to operate as a stay of, *sup.* 130.  
proceedings where execution issued before notice of appeal, *sup.* 130.  
execution to enforce judgments, i. 313, *sup.* 116.  
in case of payment by instalments, i. 80, *sup.* 116.  
in ejectment, *sup.* 112.  
for costs against plaintiff in ejectment, *sup.* 113.  
forms of warrants, *sup.* 222.  
general course of proceeding to enforce judgments, i. 313.  
suspension of execution in certain cases, i. 80, 286, 315.  
proceeding on a judgment more than six years old, *sup.* 120.  
execution out of the district, i. 315, *sup.* 86.  
return of certificate, *sup.* 127.  
forms of, *sup.* 305.  
proceedings and execution on change of parties after judgment, *sup.* 107.  
removal of judgments into the High Court, i. 319.  
not to be stayed by writ of error, i. 76.  
protection of officers of County Courts in executing warrants, i. 320, 342.
- EXECUTION AGAINST THE GOODS, i. 321.  
in general, i. 313.  
may issue without leave, on default, *sup.* 116.  
right to issue, notwithstanding imprisonment on judgment summons, i. 355.  
but if judgment summons afterwards issues, warrant of execution to be returned into court, *sup.* 118.
- (1) Mode of obtaining and issuing execution against goods, i. 80, 321, *sup.* 116.  
priority of executions, i. 322.  
fee for issuing warrant, *sup.* 280.  
form of warrant of execution against defendant's goods, *sup.* 162.  
against plaintiff's goods, *sup.* 163.  
form of notice to be sent with all warrants of execution against goods, *sup.* 159.
  - (2) Execution against goods in respect of judgments against executors and administrators, *sup.* 126.  
where assets have come to the defendant's hands since judgment, *sup.* 126.  
summons to executor thereon, *sup.* 126.  
form of warrant of execution against testator's goods, *sup.* 214.  
judgment against executor on a devastavit, *sup.* 211.
  - (3) Execution against person not a party to action, *sup.* 107.  
by person not party to action, *sup.* 107.  
against claimant in interpleader, *sup.* 122.  
form of warrant, *sup.* 205.
  - (4) Execution against goods in actions of detinue, i. 328.  
form of warrant, *sup.* 234.
  - (5) Execution against goods on judgment for delivery of specific goods, i. 330.  
form of distringas and warrant of execution, *sup.* 237.  
the like, where damages assessed for non-delivery, *sup.* 239.

**EXECUTION AGAINST THE GOODS—continued.**

- (6) Seizure and disposition of goods, i. 333.
  - what goods may be taken in execution, i. 333.
  - from what time the goods, &c. bound, i. 335, 912.
  - levy, how made, i. 335.
  - regulations for the sale of goods taken in execution, i. 336.
  - appraisement, i. 337.
  - responsibility of high bailiff, *sup.* 142.
  - disposal of farm produce, i. 338.
  - costs of execution, i. 339, *sup.* 142.
  - form of receipt for money lent, *sup.* 308.
  - high bailiff's fees, *sup.* 280.
  - brokers' and appraisers' fees, i. 340.
  - duty of the bailiff on receiving money under process, i. 340, *sup.* 86.
  - in the case of a trader for a judgment above 50*l.*, i. 340, n.
  - appropriation of money paid into court, i. 340.
  - proceeds of execution against goods out of the district, i. 315, *sup.* 127.
  - priority of execution, i. 341.
  - claims to goods seized, i. 341, 373, 911, *sup.* 122. *See* INTERPLEADER.
  - claims for rent, i. 341, *sup.* 123.
  - executions against bankrupts, executed in good faith, protected, i. 923.
  - assaults on officers and rescue of goods, i. 342.
  - punishment of bailiffs for neglect, i. 342, *sup.* 85.
- execution against goods of a juror for a fine, i. 274.
  - form of warrant, *sup.* 194.
- of a witness for a fine, i. 278.
  - form of warrant, *sup.* 187.

**EXECUTION AND COMMITMENT BOOK**, forms of, *sup.* 320.

**EXECUTION BY ATTACHMENT OF DEBTS**, i. 344, *sup.* 124. *See* ATTACHMENT.

**EXECUTION BY ORDER OF COMMITMENT**, i. 352, *sup.* 116. *See* JUDGMENT SUMMONS.

**EXECUTION BY SHERIFF**, replevin will not lie for goods taken in, i. 397.

**EXECUTION IN EJECTMENT**, *sup.* 113.  
forms of, *sup.* 222.

**EXECUTION CREDITOR**, interpleader summons to, i. 373, *sup.* 121.  
form of, *sup.* 198.  
claim of damages against, *sup.* 122.  
claims by, of damages against high bailiff, *sup.* 122.  
forms of orders on summons, *sup.* 203.

**EXECUTION to enforce decrees in admiralty causes**, ii. 178, *sup.* 138.  
forms, *sup.* 265.  
against a garnishee, *sup.* 124.  
form of, *sup.* 197.  
of process in bankruptcy, ii. 215.  
against a trader, when an act of bankruptcy, ii. 231.

**EXECUTION of deeds**, order for, *sup.* 113.

**EXECUTION of trusts**, jurisdiction in suits for, ii. 9.  
form of particulars, *sup.* 175.

**EXECUTION**, effect of bankruptcy on property taken in, ii. 322.  
effect of petition for liquidation on, i. 877.

- EXECUTORS**, action by or against, i. 633, *sup.* 90, 125.  
 may sue or be sued with parties beneficially interested, *sup.* 90.  
 replevin by, i. 399.  
 action against, i. 635.  
     for personal services, i. 709.  
 de son tort, i. 636, 641.  
 payment of debts by, i. 639.  
 may bring trespass for goods taken before probate, i. 821.  
 payment into court by, i. 201.  
 may sue and be sued on judgment by or against deceased, i. 318.  
 application by, for attachment of debts, i. 349.  
 payment of money into court by, ii. 55, *sup.* 131.
- EXECUTORS AND ADMINISTRATORS**, may sue and be sued, as if in own right, i. 287.  
 but representative character of parties should appear on summons, i. 154.  
 actions by or against, may be joined with claims by or against them personally in respect of same estate, *sup.* 92.  
 summons where defendant executor, &c. is charged with wasting the assets, i. 169, *sup.* 125.  
     form of particulars, *sup.* 173.  
 summons for assets in hand, unappropriated, *sup.* 126.  
     form of, *sup.* 214.  
 amendment of summons in actions by and against, *sup.* 110.  
 judgment in actions by and against, *sup.* 125.  
     where the plaintiff fails, *sup.* 125.  
     where the plaintiff or defendant does not appear, *sup.* 125.  
     where the defendant has wasted the assets, *sup.* 125.  
     form of judgment, *sup.* 211.  
     where the defendant does not appear, or denies his representative character, or alleges a release, *sup.* 125.  
     where the defendant only denies the demand, *sup.* 125.  
     form of judgment, *sup.* 211.  
     where the defendant denies the demand, and proves administration of assets, *sup.* 126.  
     where the defendant does not prove such administration, *sup.* 126.  
     form of judgment, *sup.* 212.  
     where the defendant admits the demand, and proves administration of assets, *sup.* 126.  
     form of judgment, *sup.* 213.  
     where the defendant in such case does not prove the administration of assets, *sup.* 126.  
     form of judgment, *sup.* 213.  
     summons to prove assets where judgment of assets *quando acciderint*, *sup.* 126.  
     form of judgment, *sup.* 213.  
 payment into court where the defendant admits demand and assets, *sup.* 126.  
     where the defendant otherwise fails in his defence, *sup.* 126.  
 execution against goods on judgments against executors and administrators, i. 326, *sup.* 108.  
     form of warrant, *sup.* 214.  
 proceedings against, in nature of *scire facias*, *sup.* 107.  
     form of summons, *sup.* 210.  
     form of judgment, *sup.* 210.  
 evidence in action by, for goods sold and delivered, i. 633.  
 in action against, i. 635.

- EXECUTORY contract**, i. 656.
- EXEMPTION from stamp duty of bankruptcy proceedings**, ii. 209.
- EXPIRATION of term, proceedings to recover possession on**, i. 414.
- EXPLANATION of written contract, admissibility of evidence in**, i. 475.
- EXPRESS WARRANTY**, i. 688.
- EXTENSION of jurisdiction by consent, to actions which are not within the general jurisdiction**, i. 33, *sup.* 137.  
to decision of questions of title arising incidentally, i. 33.
- EXTORTION, punishment of officers of courts for**, i. 104.
- EXTRAORDINARY RESOLUTION of creditors, composition by**, i. 593.
- EXTRAS, recovery for, in action for work**, i. 703.

## F.

- FACT, questions of, determined by judge, unless a jury summoned**, i. 68.
- FACTOR, definition of**, i. 596.
- FACTS, discovery of**, i. 241.
- FAIR, questions of title to, excluded from original jurisdiction of County Courts**, i. 26.  
consent to give jurisdiction, i. 34.  
effect of "The County Courts Act, 1867," upon, i. 36.
- FALSE IMPRISONMENT, action for**, i. 796.  
proof of imprisonment, i. 796.  
defence, i. 799.  
action for, in High Court, may be remitted to County Court, i. 43, 448.
- FALSE PRETENCE, punishment for obtaining credit by**, i. 372.
- FARM CROPS, right to, in case of bankruptcy**, i. 329.
- FARM PRODUCE, disposal of, under executions**, i. 338.
- FAST DAY, when not included in computation of time**, i. 66.  
office not to be open on, i. 66.  
process not to be served on, i. 177.  
except warrant of arrest in admiralty, *sup.* 137.
- FAVOUR, challenge to the**, i. 276.
- FEE for taking the acknowledgment of a married woman**, ii. 145, *sup.* 277.
- FEES for maintenance of Courts**, i. 12.  
history of changes in, i. 12, n.  
regulation of, i. 15.  
payment to consolidated fund, i. 97.  
existing fees, *sup.* 275.  
order of treasury, regulating, *sup.* 275.  
Schedule A., *sup.* 275.  
Schedule B., *sup.* 278.

**FEES—continued.**

- schedule of fees in High Court (for actions remitted to County Courts), i. 460.
  - penalty on officers taking, besides those allowed, i. 104.
  - fees on entering the plaint, *sup.* 275.
    - transmission of fees by post, *sup.* 143.
    - on summoning witnesses, *sup.* 277.
    - on warrants of execution, *sup.* 276.
    - on judgment summons, *sup.* 276.
    - on interpleader, *sup.* 276.
    - in replevin, *sup.* 276.
    - on proceedings for recovery of tenements, i. 417.
  - registrar's fees, *sup.* 278.
  - high bailiff's fees, *sup.* 279.
  - assessor's fees, *sup.* 134.
  - under admiralty jurisdiction, *sup.* 140.
  - in proceedings relating to small charities, ii. 129.
  - in proceedings under the Friendly Societies and Industrial and Provident Societies Acts, *sup.* 277, 281.
  - under the Partition Act, *sup.* 280.
  - under "The Companies Act, 1867," *sup.* 281.
  - under "The Building Societies Act, 1875," *sup.* 281.
  - under admiralty jurisdiction, *sup.* 282.
  - under "Agricultural Holdings Act, 1875," *sup.* 278.
  - under "Parliamentary Elections Act, 1875," *sup.* 283.
  - under probate jurisdiction, ii. 197.
  - for decree, ii. 97.
  - in bankruptcy, ii. 402.
- FELONY**, effect of claim involving a charge of, not prosecuted, i. 795, n.
- appointment of new trustee in place of one convicted of, ii. 19.
- FENCES**, action in respect of defective, i. 850.
- liability of railway company to maintain, i. 853.
- FERE NATURE**, animals, trespass will not lie for taking, i. 843.
- FIDUCIARY CAPACITY**, contempt by a person acting in, *sup.* 119.
- FIEBI FACIAS**, issue of writ of, as a warrant for execution, i. 321.
- from what time goods bound by, i. 912.
- FILING**, of complaints, *sup.* 88.
- documents, general rule respecting, *sup.* 146.
  - affidavits in bankruptcy, ii. 213.
  - petition in bankruptcy, ii. 241.
  - declaration of inability to pay, an act of bankruptcy, ii. 230.
- FINDER** of lost property may maintain action for it, i. 825.
- FINE** for contempt of court and assaults on officers, &c., i. 79.
- how recovered, i. 86.
  - and applied, i. 87.
  - on absent jurors, i. 274.
    - form of order for, *sup.* 194.
  - on assessors in admiralty cases for non-attendance, ii. 175.
    - form of order for, *sup.* 267.
  - on witnesses for non-attendance, i. 225.
    - for refusing to give evidence, i. 277.
    - form of order, *sup.* 187.
    - form of warrant of execution for, *sup.* 187.



- FIRE**, liability of occupier for rent of burnt house, i. 691.  
 effect of destruction of work by, on claim for remuneration, i. 707.  
 non-liability of bailee without reward for goods burnt, i. 855.  
 liability of carrier, i. 858.
- FIRM.** *See* PARTNERS.
- FIRST MEETING** of bankrupt's creditors, ii. 263.  
*See* MEETINGS OF CREDITORS.
- FISHING**, right of, i. 881, n.
- FIXTURES**, seizure of, on execution against goods, i. 334.  
 when goods and chattels in bankruptcy, ii. 312.  
 provision as to, under "The Agricultural Holdings Act, 1875," *sup.* 48.
- FORECLOSURE**, jurisdiction in suits for, i. 45, ii. 10.  
 forms of particulars, *sup.* 175.  
 order in suit for, ii. 86.  
 form of order of reference in, *sup.* 243.  
 registrar's certificate of amount due, ii. 95.  
 form of judgment, *sup.* 244.
- FOREIGN ATTACHMENT**, process of attachments of debts, similar to, i. 344.  
 custom of, not affected by "The Debtors Act, 1869," i. 372.
- FOREIGN COURT AND DISTRICT**, meaning of, i. 173, n., *sup.* 82.  
 service of summons and process in, i. 172, *sup.* 85.  
 duty of the bailiff of, on service or failure, *sup.* 85.  
 liability to costs for not making return, *sup.* 85.  
 form of notice of complaint against, *sup.* 294.  
 duty of registrar thereon, *sup.* 85.  
 execution against goods in, i. 315, *sup.* 86.  
 entry of the warrant, *sup.* 127.  
 duty of the bailiff, *sup.* 85.  
 proceedings where warrant is not executed, *sup.* 86.  
 transmission of process and proceeds, *sup.* 127.  
 forms of return and certificate from, *sup.* 305.  
 form of letter to be sent with default summons, *sup.* 293.
- FOREIGN SHIPS**, arrest of, ii. 150.
- FORGERY** of process of court, i. 65.
- FORM**, proceedings not invalid for want of, i. 84.  
 distress not invalid for want of, i. 85.
- FORMAL DEFECTS**, not to invalidate proceedings in bankruptcy, ii. 209.
- FORMS** for regulating practice, power to make, i. 60.  
 under County Court Rules, 1875, *sup.* 150.  
 in bankruptcy, ii. 208.  
 of bankruptcy affidavits, ii. 213.
- FRANCHISE**, questions of title, excluded from original jurisdiction  
 County Courts, i. 26.  
 consent to give jurisdiction, i. 34.  
 effect of "The County Courts Act, 1867," upon, considered, i. 86.  
 franchise for granting replevins, i. 391, n.
- FRAUD**, defence of, to actions for goods sold, i. 528.  
 to actions on promissory notes, i. 752.  
 setting aside agreements in case of, ii. 15.  
 actual, in contracts, ii. 15.

**FRAUD—continued.**

constructive, ii. 15.

fraudulent representations on sale of goods, i. 678.

effect of misrepresentation or concealment on liability of carriers, i. 870.

fraudulent assignments, i. 918.

fraudulent preferences in bankruptcy, i. 921.

**FRAUDS, STATUTE OF, acceptance of goods within, i. 507.**

part payment within, i. 648.

written contract within, i. 647.

cannot be varied by parol, i. 475.

may be waived or abandoned by parol, i. 475.

**FRAUDULENT CONVEYANCE, an act of bankruptcy, ii. 227.****FRAUDULENT DEBTORS, punishment of, i. 372, ii. 419.****FRAUDULENT PREFERENCES, avoidance of, in bankruptcy, ii. 318.****FRAUDULENT REPRESENTATIONS, on the sale of goods, i. 678.****FREIGHT, form of particulars in action for, *sup.* 177.****FRIENDLY SOCIETIES, jurisdiction in case of, i. 44, *sup.* 22.**against officers of society neglecting or refusing to account, *sup.* 29.in case of dispute between members and the society or officers, *sup.* 30.decision not removable nor restrainable by injunction, *sup.* 30.members may apply to County Court notwithstanding establishment of another tribunal by rules of society, *sup.* 32.parties to suit, *sup.* 30.proof of rules, *sup.* 30.service of process, *sup.* 30.enforcement of orders, *sup.* 30.remuneration of officials of court in, i. 18, *sup.* 32.

costs, ii. 136.

forms, *sup.* 235.**FRIENDLY SOCIETIES ACT, 1875, *sup.* 22.**application to be by plaint, *sup.* 141.particulars, *sup.* 142.forms of orders, &c. under, *sup.* 235.**FUND IN COURT, powers and duty of registrar as to, *sup.* 127.**

payment of costs out of, ii. 119.

petition by persons interested in, *sup.* 133.form of petition, *sup.* 305.notice of hearing of petition, *sup.* 133.form of notice, *sup.* 306.**FUNERAL EXPENSES, allowed to executors, i. 639.**

certificate of registrar as to, ii. 93.

form of, *sup.* 246.**FURTHER DIRECTIONS, application to judge for, *sup.* 115.****FURTHER PARTICULARS, may be obtained by defendant within three days**of service, *sup.* 93.requirements of, *sup.* 94,costs may be awarded for unnecessary prolixity of, *sup.* 93.**G.****GAME, right to, a profit à prendre, i. 882, n.****GAMING. See ILLEGALITY.**

- GAMING SECURITIES, delivering up, to be cancelled, ii. 16.
- GAOL, for purposes of Court, i. 81.  
     service of summons on prisoners in, *sup.* 96.  
     on persons employed in, *sup.* 96.  
     prisoner does not "dwell" in, i. 142.  
     bringing up witnesses from, i. 227.
- GAOLER, to discharge judgment debtor on payment of debt and costs, *sup.* 118.
- GARDENER, a domestic servant, i. 713.
- GARNISHEE, person owing debtors to judgment debtor, so called, i. 345.  
     proceedings against, by judgment creditor, i. 344, 351, *sup.* 124.  
     affidavit for leave to summon garnishee, *sup.* 124.  
     form of, *sup.* 304.  
     garnishee summons, *sup.* 125.  
     must be served personally, *sup.* 125.  
     except in the case of a firm, company or corporation, *sup.* 200.  
     form of, *sup.* 304.  
     execution against, i. 124.  
     form of, *sup.* 197.  
     judgment against garnishee, i. 124.  
     form of, *sup.* 196.
- GAZETTE, proof of official orders by, i. 489.  
     proof of bankruptcy by, i. 592.  
     of dissolution of partnership, i. 619.  
     See also LONDON GAZETTE.
- GENERAL FUND, for costs in courts, i. 12.
- GENERAL HIRING, contract of, i. 713.
- GENERAL LIEN, i. 839.
- GIFT, with intent to defraud creditors, i. 372.
- GOOD FRIDAY, office closed on, i. 11, *sup.* 82.  
     when not to be included in computation of time, i. 66, *sup.* 146.  
     Saturday after, when not included, i. 66, *sup.* 146.  
     process not to be served on, or day after, i. 177.  
     except warrants of arrest in admiralty, *sup.* 137.
- GOODS, execution to enforce delivery of, i. 293, *sup.* 87.  
     warrant of possession of, *sup.* 87.  
     in detinue, *sup.* 147.  
     form of, *sup.* 234.  
     evidence in action for breach of warranty of, i. 666.  
     in action for fraudulent representation on sale of, i. 678.  
     in an action of contract to recover goods detained, i. 681.  
     action for the use of goods, i. 684.  
     payment in, to take case out of Statute of Limitations, i. 583.  
     action of tort for taking, i. 819.  
     for wrongfully retaining, i. 824.  
     against carriers for loss of, i. 857.  
     for delay in forwarding goods, i. 874.  
     replevy of, i. 387, *sup.* 123.  
     for what goods replevin lies, i. 397.  
     interpleader claims to, i. 373, *sup.* 121.  
     evidence, i. 911.  
     order on judgment for plaintiff in action for breach of contract to deliver specific goods, i. 293.  
     judgment in detinue, i. 293, *sup.* 147.  
     claim to goods by trustee of bankrupt, i. 921.

GOODS—*continued*.

- execution against, i. 321, *sup.* 116.
  - mode of obtaining and issuing, i. 321, *sup.* 116.
  - in respect of judgments against executors and administrators, *sup.* 126.
  - in detinue, i. 328, *sup.* 147.
    - form of, *sup.* 234.
  - on judgment for delivery of specific goods, i. 330, *sup.* 237.
- seizure and disposition of, i. 333, *sup.* 87.
  - regulations for the sale of, i. 336, *sup.* 87.
- appraisement of, i. 336, *sup.* 142.
- when rent claimed, i. 341, *sup.* 123.
- fees for possession of, i. 340.
- rescue of, i. 342.
- from what time goods bound by process of execution, i. 912.
- perishable, interlocutory application for sale of, *sup.* 101.
- inspection of, interlocutory application for, *sup.* 101.

- GOODS and Chattels, right of trustee and creditors to, of which bankrupt reputed owner, ii. 310.
- taken in execution, effect of bankruptcy on, ii. 322.

GOODS SOLD AND DELIVERED.

- evidence in actions for, i. 502.
  - (1) The contract of sale, i. 503.
  - (2) The delivery of the goods, i. 505.
  - (3) The price or value, i. 514.
  - (4) Mode of proof, i. 515.
- defences, i. 517.
  - (1) Generally, i. 517.
  - (2) Infancy, i. 519.
  - (3) Coverture, i. 523.
  - (4) Partnership between the plaintiff and defendant, i. 528.
  - (5) Fraud, i. 528.
  - (6) Contract illegal or void, i. 530.
  - (7) Credit not expired, i. 535.
  - (8) Nonjoinder of partners, i. 537.
  - (9) Want of jurisdiction, i. 538.
- defence admitting sale, but showing satisfaction and discharge, i. 541.
  - (1) Payment, i. 541.
  - (2) Tender, i. 558.
  - (3) Set-off, i. 565.
  - (4) Statute of Limitations, i. 571.
  - (5) Release, i. 585.
  - (6) Higher security given, i. 588.
  - (7) Judgment recovered, i. 588.
  - (8) Arbitration and award, i. 589.
  - (9) Another action pending, i. 590.
  - (10) Bankruptcy of defendant, i. 590.
  - (11) Bankruptcy of the plaintiff, i. 591.
  - (12) Liquidation by arrangement under the Bankruptcy Act, i. 593.
  - (13) Composition with creditors under the Bankruptcy Act, i. 592.
  - (14) Payment into court, i. 594.
- evidence where the goods were supplied by or to third persons, i. 596.
  - (1) Sale by an agent, i. 596.
  - (2) Sale by one of two or more partners, i. 599.
    - by a wife, i. 599.
  - (3) Goods supplied to a servant, i. 600.
  - (4) Delivery to an agent, i. 601.
  - (5) Delivery to a partner, i. 611.

**GOODS SOLD AND DELIVERED—continued.**evidence where the goods were supplied, &c.—*continued.*

(6) Delivery to a wife, i. 619.

(7) Delivery to a child, i. 631.

evidence where goods sold by or to deceased persons or bankrupts,

(1) By administrator and executor, i. 633.

(2) Against administrator or executor, i. 635.

(3) By trustees of bankrupts, i. 643.

evidence in actions for goods bargained and sold, i. 646.

(1) Action for the price of, i. 646.

(2) Action against purchaser for not accepting goods, i. 658.

(3) Action by vendee against vendor for not delivering goods, i. 660.

issue of summons where goods sold and delivered in way of trade, i. 185, *sup.* 2.form, *sup.* 10, 156.**GOVERNESS**, not a domestic servant, i. 714.**GRANT** of probate and administration, County Court jurisdiction as to, i. 46, ii. 190.

of easements, by implication, i. 890.

implied grant, by prescription, i. 894.

**GROUND**s of appeal, statement of, i. 306.**GUARANTEES**, action on, i. 779.

evidence for plaintiff, i. 780.

proof of contract, i. 780.

evidence for defendant, i. 783.

**GUARDIAN** OF INFANT DEFENDANT, appointment of, *sup.* 90, 108.form of, *sup.* 195.

infant may petition by, ii. 49.

infant may defend by, *sup.* 90.**GUARDIANS** OF POOR, relief granted by, recoverable in the County Courts, i. 53.**H.****HABEAS CORPUS**, order for bringing up prisoner to give evidence, in lieu of writ of, i. 227.**HANDWRITING**, proof of, i. 479.

where signature attested, i. 483.

in actions on promissory notes, i. 746.

on bills of exchange, i. 764, 768.

**HEADING** of forms, i. 66.for notices, admissions, orders and warrants, *sup.* 150.for orders, judgments and warrants, *sup.* 150.for affidavits, *sup.* 151.**HEARING**, proceedings on, i. 67, ii. 73. *See TRIAL.***HEARING** of admiralty suits, ii. 173. *See TRIAL.*may be at any place within admiralty jurisdiction, *sup.* 135.

notice of hearing, ii. 173.

form of notice, *sup.* 264.**HEARING** and adjudication on petition in bankruptcy, ii. 254.

adjournment of hearing, ii. 255.

- HEARSAY** evidence inadmissible, i. 466.
- HEIR-AT-LAW**, equitable suits by, i. 45, ii. 6.  
     how commenced, ii. 31.  
     ejectment by, i. 936.  
     continuance of action of ejectment by, on death of sole or one of several plaintiffs, i. 427.  
     form of order of substitution, *sup.* 224.
- HEMLINGFORD**, hundred court of, abolished, i. 6.
- HEREDITAMENTS**, corporeal and incorporeal, title to, not within the original jurisdiction of the County Courts, i. 26.  
     consent to give jurisdiction, i. 34.  
     jurisdiction under "The County Courts Act, 1867," i. 86, *sup.* 147.  
     value of, in actions of ejectment and in questions of title, i. 36.  
     costs in, i. 136.
- HERIOT**, replevin lies on distress for, i. 394.
- HIGH BAILIFF**. *See also* BAILIFF.  
     appointment of, i. 111.  
     for one court only, i. 103.  
     removal of, i. 111.  
     duties of, i. 112, *sup.* 84.  
     liabilities of, i. 103, 337.  
     responsibility of, for acts of sub-bailiffs, i. 337.  
     service of process by, i. 172, ii. 102, *sup.* 85.  
     of default summonses, *sup.* 85.  
     sale and detention of goods by, *sup.* 86.  
     to deliver to registrar list of summonses served, *sup.* 86.  
     seizure of goods by, under execution, i. 333, *sup.* 86.  
     to pay over all money to registrar within twenty-four hours, *sup.* 86.  
     duty to adjourn the court on death or absence of the judge and absence of the registrar, i. 11.  
     to superintend sale of property, *sup.* 113.  
     to pay over money, *sup.* 86.  
     to serve bankruptcy process, ii. 215.  
     remuneration of, i. 15, 113.  
     assistant bailiffs, i. 114.  
     fees, *sup.* 279.  
     in winding up societies, &c., ii. 140.  
     future abolition of office, ii. 103.  
     appointment of, as registrar, to vacate former office, *sup.* 9.  
     if absent from sitting of court, must send written statement of cause of absence to registrar, *sup.* 84.  
     to attend at office at least once a day, *sup.* 85.  
     to serve process as soon as practicable, *sup.* 85.  
     to indorse service or non-service of summons on copy, *sup.* 8, 85.  
     liability of, to costs, for non-return of summons from foreign district, *sup.* 85.  
     form of notice of complaint, *sup.* 294.  
     form of notice of order, *sup.* 170.  
     to send notice to plaintiff of service of default summons within two days, *sup.* 86.  
     to give all reasonable information to suitors and solicitors, *sup.* 86.  
     punishment of, for making false indorsement, *sup.* 86.  
     claim of damages against, in interpleader proceedings, *sup.* 122.  
     forms of orders on summons, *sup.* 203.  
     payment into court by, *sup.* 122.  
     costs of, in interpleader proceedings, *sup.* 122.  
     to cause ship under warrant of execution to be appraised before sale, *sup.* 138.

- HIGH COURT**, concurrent jurisdiction of, i. 50.  
 in admiralty, ii. 161.  
 transfer of admiralty actions by, ii. 167, *sup.* 137.  
   forms of order, *sup.* 264.  
 transfer of sale of property to, *sup.* 138.  
   form of order, *sup.* 266.  
 power of judges of, to order trial in County Court, i. 43, 48.  
 action on judgment of, not to be brought in County Court, i. 28.  
 costs of actions in, where claim exceeds 10*l.* in tort and 20*l.* in contract, i. 51.  
 proceedings where cause sent from, i. 43, 444, *sup.* 120.  
 costs, i. 137, *sup.* 142. *See title* ACTIONS SENT FROM HIGH COURT.  
 removal of plaint by *certiorari* into, i. 211.  
 actions of replevin may be brought in, i. 394, 405.  
 removal of actions of ejectment into, i. 36, 425.  
 removal of actions to Chancery Division of, where jurisdiction is exceeded, *sup.* 121.  
   form of order, *sup.* 250.  
 control of county court by, i. 87.  
 costs in, i. 51, 118.  
 may call on judge of County Court by rule to act, i. 87.  
 appeal to, i. 301, *sup.* 7, 129.  
 priority of execution between execution of, and that of County Court, i. 322.  
 removal of judgment into, i. 77, 319.  
 commitment of debtors on judgment of, *sup.* 117.  
   form of judgment summons, *sup.* 256.  
   form of order of commitment, *sup.* 257.
- HIGH SEAS**, limit of, ii. 146, n.
- HIGHER** security given for debt, defence of, i. 588.
- HIGHWAY RATE**, replevin lies in distress for, i. 394.
- HIRE** GOODS cannot be taken in execution, i. 334.
- HIRING**, proof of, in action for wages, i. 712.  
 of horses and carriages, action for, i. 684.
- HOME COURT** and DISTRICT, definition of, *sup.* 82.  
 service of process in, i. 172, *sup.* 95.  
 duty of the bailiff of, on service or failure, *sup.* 85.
- HORSE-RACING**, reservation in favour of, in Gaming Act, i. 736, n.  
 when case not within proviso, i. 736, n.
- HORSES**, warranty of, i. 671.  
 fraudulent representations as to, i. 680.  
 hire of, i. 684.  
 liability of hirer or user of, i. 855.  
 acceptance of, under Statute of Frauds, i. 512.  
 liability of rider of unruly, i. 800.  
 injuries to, by dogs, i. 849, n.  
 sale of glandered, i. 850.  
 sale of, on Sunday by dealer, i. 533.  
 liability of livery stable keepers and bailees for damage to, i. 816, 855.  
 plaint against livery stable keeper for not taking care of horse, i. 54.  
 plaint against agister for loss of, i. 855.

HOURS for keeping offices open, i. 11.

HUNDRED Courts, not being courts of record, abolished, i. 6.

HUSBAND,

- liability of, for goods on wife's contracts, i. 619.
  - when wife living with him, i. 620.
  - when wife not living with him, i. 625.
- for costs in Divorce Court, i. 723, n.
- for money lent, i. 724, n.
- for bills and notes, i. 753.
- for what assets husband liable, *sup.* 19.
- judgment may be against husband and wife jointly, *sup.* 19.
- if without assets, entitled to judgment for costs, *sup.* 19.
- for occupation by wife, i. 691.
- set-off by and against, i. 569.
- joinder of husband and wife in replevin, i. 399.
- in action for assault on wife, i. 789.
- husband and wife may be sued jointly for wife's debt before marriage, *sup.* 19.
- claims by or against husband and wife may be joined with claims against them separately, *sup.* 92.
- if husband and wife living together are co-defendants, service on husband is good service on wife, *sup.* 97.

I.

IDENTIFICATION of petitioner in bankruptcy, ii. 242.

IDENTITY, evidence of, in proof of marriage, i. 526.

ILLEGAL ARREST, action for, may be remitted to County Court, i. 448.

ILLEGAL DISTRESS, action for, may be remitted to County Court, i. 448.

ILLEGALITY of contract, defence of, i. 530.

- contracts void at common law, i. 530.
- by statute, i. 531.
- sale of spirituous liquors, i. 532.
- sale of beer on credit, i. 532.
- sale on a Sunday, i. 533.
- sale by unlawful weights and measures, i. 533.
- sale by way of wagering, i. 658.
- supply of goods for immoral purposes, i. 530.
- use of carriage, &c. for immoral purposes, i. 685.
- occupation of property for unlawful purpose, i. 698.
- work done in violation of law, i. 712.
- money lent for unlawful purpose, i. 726.
- money deposited on wagering contracts, i. 736.
- note, &c. given for gambling debt, i. 753, 772.

ILLEGITIMATE CHILD, liability of father for necessities supplied to, i. 631.

ILLNESS, effect of, on claim for work, i. 709.

IMMORAL CONTRACTS void, i. 530, 685.

IMPLEMENTS of trade, protection of, from seizure, i. 333.

IMPLIED GRANT, origin of easements by, i. 890.

by prescription, i. 894.

D.C.C.

E E



- IMPLIED WARRANTY, i. 667.  
demise, i. 686.
- IMPOSITION, setting aside contracts obtained by, ii. 16.
- IMPOUNDING BILLS AND NOTES in actions under the Bills of Exchange Act, i. 208.
- IMPRISONMENT, abolition of imprisonment for debt with certain exceptions, i. 352.  
enforcement of orders for payment of money by, i. 81, 352, ii. 107, *sup.* 116.  
imprisonment under order of commitment not to operate as a satisfaction, i. 356.  
action for false, i. 796.  
may be remitted to County Court, i. 448.
- IMPROVEMENTS, compensation for. *See* AGRICULTURAL HOLDINGS ACT, 1875.
- INABILITY to pay, declaration of, an act of bankruptcy, ii. 230.
- INCAPACITY, PERSONAL, effect of, on contracts, i. 709.
- INCIDENTAL QUESTIONS, jurisdiction of County Court to try questions of title arising incidentally, i. 33, 267.  
form of consent, *sup.* 190.
- INCOME of bankrupt, setting aside part of, ii. 333.
- INCORPORATED COMPANIES, contracts of, i. 608.
- INCORPOREAL HEREDITAMENT, questions of title to, excluded from the original jurisdiction of the County Courts, i. 26.  
consent to give jurisdiction, i. 34.  
form of consent, *sup.* 147.  
jurisdiction under "The County Courts Act, 1867," i. 33.
- INCUMBRANCES on real estate, certificate of registrar as to, ii. 94, *sup.* 115.  
form of, *sup.* 247.
- INDEMNITY, claim for, by defendant against third parties, *sup.* 288.  
form of notice of, *sup.* 309.  
may be filed by defendant five clear days before return-day, *sup.* 288.  
party served with may apply to judge for directions, *sup.* 289.
- INDORSEE *v.* Maker of Promissory Note, action by, i. 759.  
*v.* Indorser of Promissory Note, action by, i. 762.  
*v.* Acceptor of Bill, i. 772.  
*v.* Drawer, i. 776.  
*v.* Indorser, i. 776.
- INDORSER of promissory note, action against, by indorsee, i. 762.  
of bill of exchange, i. 776.
- INDUSTRIAL and Provident Societies, jurisdiction in relation to, i. 44, ii. 132.  
fees under, *sup.* 277, 281.  
winding up, i. 46.  
orders, rules and forms of Chancery Division of High Court to be used in County Courts, *sup.* 149.
- INFANCY, defence of, i. 519.  
notice of, defence of, i. 202, *sup.* 99.  
form of, *sup.* 183.  
what are or are not necessities, i. 520.

INFANCY—*continued*.

- proof of infancy, i. 522.
- no action to be brought on ratification after full age of contract made during infancy, *sup.* 20.
- defence of, to action on warranty of a horse, i. 678.
- to action on promissory note, i. 753.
- to action on bill of exchange, i. 772.

INFANT, actions by and against, i. 152, *sup.* 89.

- may sue by next friend, *sup.* 90.
- may defend by guardian, *sup.* 90.
- form of appointment of guardian, *sup.* 196.
- equitable jurisdiction as to, i. 45, ii. 20.
- entry of plaint by, *sup.* 89.
- appointing guardian of, *sup.* 108.
- liability of parents for goods supplied to, i. 631.
- equitable rules as to custody of, to prevail, i. 62, n.
- service of summons on, *sup.* 95.
- undertaking to pay costs by next friend of, *sup.* 89.
- form of undertaking, *sup.* 170.
- proceedings relating to advancement of, *sup.* 131.
- form of particulars, *sup.* 176.
- cannot be made bankrupt, ii. 222.
- payment into court of money as legacy to which infant entitled, ii. 97, *sup.* 131.
- proceedings as to maintenance and advancement of, *sup.* 131.

INFANTS RELIEF ACT, 1874, *sup.* 20.

INJUNCTION,

- proceedings for order in the nature of, i. 17, ii. 22, 51, *sup.* 101, 119.
- interlocutory application for, *sup.* 101.
- form of prayer for, to restrain action, ii. 39.
- to restrain disposal of partnership property, ii. 41, n.
- mode of applying to the court, *sup.* 119.
- power to award damages in addition to or in substitution for injunction, ii. 75, *sup.* 113.
- order in nature of, i. 47, ii. 82, *sup.* 119.
- form of notice of application, *sup.* 298.
- service of, *sup.* 119.
- form of order, *sup.* 250.
- form of indorsement on order, *sup.* 303.
- committal for contempt for breach of, *sup.* 119.
- form of order of, *sup.* 251.
- in bankruptcy*, ii. 249, 256.
- costs in, ii. 414.

INJURIES to the person, action for, i. 789.

- to property, i. 843.

INNKEEPERS, liability of, for loss of goods, i. 876.

INQUIRIES, reference to registrar of, ii. 89, *sup.* 113.

- powers of registrar, *sup.* 113.
- proceedings when jurisdiction exceeded, *sup.* 121.

INSOLVENCY of defendant, notice of, defence of, i. 203, *sup.* 99.

INSPECTION OF DOCUMENTS, power of, in general, i. 239, *sup.* 104.

- production of documents before "The Common Law Procedure Act, 1854," i. 240.
- inspection under "The Common Law Procedure Act, 1854," i. 242.

INSPECTION OF DOCUMENTS—*continued*.

- in admiralty suits, ii. 172, *sup.* 139.
- general circumstances under which an order for inspection will be made, i. 243.
  - not where application merely of a fishing nature, i. 244.
  - rule as to confidential communications, i. 245.
  - cases where orders for inspection made, i. 245.
    - where refused, i. 247.
    - where application to find out defect in adversary's case, i. 247.
    - where action not *bonâ fide*, i. 248.
  - affidavit, i. 248, *sup.* 104.
  - must be positive, i. 248.
  - form of, *sup.* 181.
  - rules respecting, i. 248, *sup.* 104.
  - order for discovery, i. 248, *sup.* 104.
  - affidavit in obedience to order for discovery, i. 250, *sup.* 104.
    - form of, *sup.* 182.
- committee of, in bankruptcy, ii. 263, 275. *See* COMMITTEE OF INSPECTION.

INSPECTION OF GOODS, interlocutory application for, *sup.* 101.

## INSTALMENTS, payment of debt by, i. 68.

- consent to, by plaintiff, i. 187, *sup.* 89.
- form of notice of, *sup.* 165.
- judgment for payment of debt by, i. 285, *sup.* 112.
- must be paid into court, i. 297, *sup.* 112.
- notice to plaintiff of payment of instalment, *sup.* 112.
- need not be given where instalment under 10s., *sup.* 112.
- form of notice, *sup.* 161.
- warrants of execution for, i. 286.
- on default of one, execution may issue for whole, unless otherwise ordered, i. 286, *sup.* 112.
- order for payment by, on a judgment summons, i. 353.
- form of, *sup.* 168.
- right of indorsee on note payable by instalments, i. 760.

## INSTRUCTIONS to sue or defend, fee for, i. 129, 162.

to registrar on entering plaint, i. 153, 155.

INSTRUMENTS, inspection of, in admiralty suits, ii. 172, *sup.* 139.INSUFFICIENT description of parties, amendments as to, i. 281, *sup.* 109.

## INSULTS to judge, jurors and officers of court, how punished, i. 79.

INTENTION to defend default summons, *sup.* 4.

form of notice, *sup.* 157.

## INTENTIONAL INJURIES, action for, i. 789, 843.

## INTEREST of money, action for, i. 779.

- recovery of, in action for goods, i. 514.
- effect of payment of, to take notes out of the Statute of Limitations, i. 757.
- on debts and legacies, *sup.* 144.
- certificate of registrar as to, ii. 93.
- on certain claims in admiralty causes, ii. 176.
- on debts in bankruptcy, ii. 354.

INTERLINEATION, effect of, in affidavit, *sup.* 147.

- INTERLOCUTORY AND INTERIM ORDERS, *sup.* 101.  
in what cases application may be made, *sup.* 101.  
draft orders to be prepared by registrar before hearing of application, *sup.* 101.  
judge to sign draft, if approved, *sup.* 101.  
orders to be drawn up by applicant and sealed and signed by judge, *sup.* 101.  
may be served by bailiff or solicitor, *sup.* 101.  
notice of proceedings may be served by solicitor, *sup.* 144.
- INTERPLEADER CLAIMS, i. 373.  
provision of "The County Courts Act, 1867," respecting, i. 373.  
former provisions, i. 373, n.  
rules relating to, *sup.* 121.  
particulars of claim, *sup.* 122.  
trial by jury of, i. 223, *sup.* 108.  
fees, i. 377.  
claim of damages against high bailiff, *sup.* 122.  
payment of damages into court, *sup.* 122.  
form of summons to execution creditor, *sup.* 198.  
to claimant for rent, *sup.* 198.  
to claimant for damages, *sup.* 200.  
forms of orders, *sup.* 200.  
appeal, i. 302.  
evidence, i. 911.  
in bankruptcy, ii. 825.
- INTERPRETATION of Debtors Act rules, i. 357.
- INTERROGATORIES, delivery of written, i. 239, 250, *sup.* 101.  
provisions of "The Common Law Procedure Act, 1854," i. 250.  
circumstances under which powers applied, i. 251.  
where the answer may tend to criminate, i. 252.  
in ejectment, i. 253.  
particular cases where and circumstances under which a plaintiff has been held entitled to interrogate, i. 253.  
where not allowed, i. 254.  
interrogatories by a defendant, i. 254.  
reforming interrogatories, i. 255.  
County Court rules respecting, *sup.* 105.  
interrogatories affidavit, *sup.* 105.  
form of, *sup.* 182.  
form of order for interrogatories, *sup.* 299.  
objection to answer, *sup.* 105.  
*voir dire* examination in default of answer, *sup.* 105.
- INTERRUPTION to exercise of easements, i. 898.
- INTERVENERS in admiralty actions, *sup.* 136.
- INTESTACY, action for distributive share under, i. 27.  
jurisdiction of County Courts in cases of, i. 45.
- INTESTATE, action by administrator for goods supplied by, i. 633.  
for goods supplied to, i. 635.
- INTESTATES' Widows and Children Act Extension, 1875, *sup.* 321.
- INTOXICATION, defence of, to action on promissory note, i. 753.
- INVENTORY of vessel under execution, before sale by high bailiff, *sup.* 138.

I O U, evidence in action for money lent, i. 725.  
evidence of account stated, i. 744.

IRELAND, execution in, of orders and warrant in bankruptcy, ii. 204.  
Bankruptcy Act does not apply to, unless expressly provided, ii. 201, n,  
204, n.

IRREGULARITY in service of summons, effect of, i. 192, *sup.* 97.  
in bankruptcy proceedings, ii. 209.

ISSUE, the question to be tried called the, i. 463.

## J.

JOINDER of cause of action, *sup.* 92.  
causes of action may be joined without leave, *sup.* 92.  
but actions of ejectment cannot, without leave, be joined with other  
causes of action, except claims for rent or for mesne profits, *sup.* 92.  
claim by trustee cannot, without leave, be joined with claim in another  
capacity, *sup.* 92.  
claims by joint plaintiffs may be joined with separate claims against  
same defendant, *sup.* 92.  
claims by or against husband and wife may be joined with claims by  
or against them separately, *sup.* 92.  
claims by or against executor or administrator may be joined with  
claim by or against him personally, if in respect of same estate,  
*sup.* 92.  
court may order claims united to be tried separately, *sup.* 92.

JOINDER of parties, proceeding against one of several defendants, i. 155,  
180, *sup.* 90.  
joinder in replevin, i. 398.  
amendment as to, i. 282.  
misjoinder of plaintiff, *sup.* 110.  
defendant's right to costs in case of, *sup.* 90.  
of defendant, *sup.* 111.  
of causes of action, not allowed in replevin, *sup.* 123.  
in case of bankruptcy of co-contractor, i. 644.

JOINT CONTRACTS, in bankruptcy, ii. 336.

JOINT CREDITORS, proof and dividends, in bankruptcy, in respect of,  
ii. 354.

JOINT DEFENDANTS, service on one of several, i. 180.  
effect of judgment recovered against one joint contractor, i. 589.

JOINT MAKERS of promissory notes, payment of interest by one, i. 757.

JOINT PROPERTY, seizure of, under execution, i. 335.

JOINT STOCK COMPANIES, where may be said to carry on business or  
dwell, i. 141.  
contracts of, i. 608.  
jurisdiction of County Court in winding-up, i. 46.  
in examination of witnesses, i. 47.  
service of summons on, i. 176, n., *sup.* 96.  
equitable jurisdiction of county court does not apply to winding-up,  
ii. 22.  
power of judges to take evidence in, ii. 138.

JOINT TENANTS, ejectment by and against, i. 427, 938.

actual ouster necessary in ejectment by, i. 427.

joinder of, in replevin, i. 398.

cannot maintain suit for partition, ii. 17.

#### JUDGES OF THE COURTS,

(1) Appointment and qualification, i. 3, 89.

judge for each district, i. 89.

subsequent power to appoint two for each district, i. 5.

re-arrangement of districts of, i. 4.

limitation of total number of, i. 3.

qualification, i. 91.

judge of city of London court, i. 115.

may act as justice if in the commission of the peace, i. 91.

one judge acting for another, i. 92, *sup.* 145.

form of memorandum on order or document made by one

judge for another, *sup.* 151.

(2) Powers and duties, i. 92.

as to holding courts, i. 9, 92.

not obliged to sit in September, i. 10.

adjournment in case of death or absence of, i. 11.

as to *ex parte* applications in pending proceedings, *sup.* 6, 101.  
on the trial, i. 67, 92.

leave of, to third persons to appear as advocates, i. 70.

agreement that decision of judge shall be final, i. 238.

form of agreement, *sup.* 195.

consent that judge shall decide incidental questions of  
title, i. 267.

form of consent, *sup.* 190.

cannot alter his judgment, i. 285, 305.

preserving good order in the courts, i. 79, 92.

insults to, how punished, i. 79, 283.

power to commit for perjury, i. 283, n.

enforcing orders and judgments, i. 80, 92, *sup.* 116.

power to grant new trial, i. 76, 299, *sup.* 128.

appointment of judges to frame rules and orders, i. 63.

control of judges by the High Court, i. 87.

may be called on by rule to perform duties of office, i. 87.

prohibition to, i. 216.

appeal by motion against ruling, order, direction, or decision of,  
*sup.* 7, 131.

(3) Actions by and against, i. 93.

where judge can sue and be sued, i. 93, 148.

liability of judge for acting without jurisdiction, i. 93.

notice of action to, i. 50.

change of venue, when judge or officer interested, i. 232.

(4) Salaries, i. 95.

retiring pensions, i. 98.

(5) Deputy judge, i. 98.

qualification of, i. 98.

appointment of, not vacated by death of judge, i. 99.

not to practise in district, i. 100.

*See also* JURISDICTION.

judges commissioners for taking evidence in winding-up com-  
panies, ii. 22.

power of, to amend, ii. 74, *sup.* 109.

principles on which they act in equity, ii. 77.

power of, to determine questions between solicitor and client,  
ii. 141.

may try admiralty causes at any place within admiralty dis-  
trict, *sup.* 135.

JUDGES OF THE COURTS—*continued*.(5) Deputy judge—*continued*.

- jurisdiction of, in salvage cases, ii. 151, 156.
- powers and jurisdiction of, in bankruptcy, ii. 203.
- delegation by, of powers to registrar, ii. 204.

## JUDGMENT,

- in general, i. 284.
  - power of judge to enforce, i. 80, 92.
  - enforcement of, i. 81, *sup.* 116.
  - judgment for the plaintiff or defendant, i. 284.
  - for defendant on balance of set-off or counter-claim, *sup.* 109.
  - nonsuit, i. 284.
  - effect of, *sup.* 109.
  - setting aside, *sup.* 109.
  - forms of judgment, *sup.* 160.
  - general form of heading and conclusion of, *sup.* 150.
  - when case not within jurisdiction, i. 285.
  - period of payment of instalments, i. 285, *sup.* 112.
  - suspension of execution, i. 286.
  - not to be stayed by writ of error, i. 76.
    - or set aside for want of form, i. 84.
  - no second suit for same cause, i. 76.
  - cannot be altered by judge, i. 285, 305.
  - removal of, into the superior courts, i. 81, 319.
  - stay of proceedings on, in case of appeal, *sup.* 130.
  - proceeding on, where appeal abandoned, i. 309.
  - of Court of Appeal, *sup.* 130.
  - cross-judgments, execution on, i. 322.
  - revival of, in the nature of a *scire facias*, *sup.* 107.
  - against partners, *sup.* 91.
  - death of one of several plaintiffs or defendants after, *sup.* 107.
  - effect of death of one or more of several plaintiffs or defendants before, *sup.* 107.
  - effect of death of parties in ejectment before or after, i. 427.
  - more than six years old, proceedings on, *sup.* 120.
  - on default summons, need not be drawn up or served, *sup.* 112.
- in replevin, i. 407, *sup.* 123.
  - forms, *sup.* 233.
- in ejectment, *sup.* 112.
  - forms, *sup.* 219.
- in actions for penalties to secure the performance of covenants, i. 157.
- against garnishee, *sup.* 124.
  - form of, *sup.* 196.
- in detinue, *sup.* 147.
- in actions by and against executors and administrators, *sup.* 125.
  - where the plaintiff fails, *sup.* 125.
  - where the plaintiff or defendant does not appear, *sup.* 125.
  - where the defendant has wasted the assets, *sup.* 125.
  - where the defendant does not appear or denies his representative character, or alleges a release, *sup.* 126.
  - where the defendant only denies the demand, *sup.* 126.
  - where the defendant denies the demand and proves administration of assets, *sup.* 126.
  - where the defendant does not prove such administration, *sup.* 126.
  - where the defendant admits the demand and proves administration of assets, *sup.* 126.
  - where the defendant in such case does not prove the administration of assets, *sup.* 126.
  - summons to prove assets where judgment of assets *quando acciderint*, *sup.* 126.

JUDGMENT—*continued.*

- in actions by and against executors and administrators—*continued.*
  - where the defendant otherwise fails in his defence, *sup.* 126.
  - forms of judgment in actions against executors and administrators, *sup.* 211.
- in detainee, *sup.* 147.
  - form of judgment, *sup.* 234.
- in actions involving title to easement, may include injunction, *sup.* 113.
- on counter-claim, *sup.* 109.
  - form of, *sup.* 102.
- order on judgment for plaintiff in action for breach of covenant to deliver specific goods, *i.* 293.
  - form of, *sup.* 236.
- taxation of costs and allowance of witnesses, *i.* 295.
  - right to costs, *i.* 295.
  - taxation of costs, *i.* 296.
  - costs of attorney and counsel, *sup.* 269.
  - allowance of witnesses, *sup.* 268.
- payment of amount of judgment or order, *i.* 297.
  - proceedings between judgment and execution, *i.* 299.
  - certificate of judgment, *sup.* 112.
  - registration of judgment, *ii.* 84.

JUDGMENT BY DEFAULT, *i.* 271.

- under "The County Courts Act, 1875," *sup.* 3.
  - summons not to issue without leave, except in cases where claim exceeds 5*l.* or goods delivered to defendant to be dealt with in way of trade, &c., *sup.* 5.
  - form of summons, *sup.* 10.
  - service of summons, *sup.* 4.
  - affidavit, *sup.* 4.
    - form, *sup.* 10.
  - notice of intention to defend, *sup.* 4.
    - form, *sup.* 11.
  - affidavit of defence after time for appearance, *sup.* 4.
- under the Bills of Exchange Act, *i.* 183, 207.
  - payment, *i.* 207.
  - leave to defend, *i.* 207, *sup.* 148.
  - setting aside judgment, *i.* 208, *sup.* 148.
  - impounding the bill and staying proceedings, *i.* 208.

JUDGMENT CREDITOR, attachment of debts at instance of, *i.* 344, *sup.* 124.  
 not appearing on judgment summons liable to payment of costs to debtor, *sup.* 119.

JUDGMENT DEBTOR, attachment of debts due to, *i.* 344, *sup.* 124.  
 examination of, as to debts due to him, *i.* 344, *sup.* 124.  
 judgment summons against, *sup.* 116.  
 effect of bankruptcy of, *sup.* 118.  
 form of certificate of, *sup.* 259.  
 to be discharged on payment of debt and costs, *sup.* 119.  
 form of certificate of payment, *sup.* 303.

JUDGMENT OF HIGH COURT, no action to be brought in the County Courts on, *i.* 28.  
 commitment on, *i.* 358.

JUDGMENT RECOVERED, defence of, *i.* 588.  
 in action for goods, *i.* 842.  
 in proceedings to recover possession of tenements, *i.* 982.  
 of successful defence of, plaintiff to pay treble costs, *i.* 76, 77, 588.



- JUDGMENT SUMMONS**, repeal of former provisions respecting, i. 352.  
 provisions of "The Debtors Act, 1869," respecting, i. 352.  
 rules relating to, *sup.* 116.  
 mode of obtaining and issuing summons, i. 357, *sup.* 116.  
   where the defendant dwells or carries on business out of the district, *sup.* 117.  
   where judgment or order is in superior courts, *sup.* 117.  
 to be in prescribed form, *sup.* 117.  
   form, *sup.* 167.  
 service of, must be personal, *sup.* 116.  
 where debtor about to remove, *sup.* 117.  
 adjournment, *sup.* 117.  
 successive judgment summons may issue, *sup.* 117.  
 witnesses, i. 359, *sup.* 117.  
 proceedings when order made in a court other than where judgment obtained, i. 359, *sup.* 117.  
 original order, *sup.* 118.  
 order of commitment, *sup.* 118.  
 costs, *sup.* 119.  
 payment on, *sup.* 118.  
 effect of bankruptcy, *sup.* 118.  
 discharge, *sup.* 118.  
 forms relating to orders of commitment,  
   certified copy of order or judgment, *sup.* 166.  
   affidavit where order of a court not a County Court, *sup.* 256.  
   judgment summons on order or judgment of County Court, *sup.* 167.  
     on order of a court other than a County Court, *sup.* 256.  
   order on judgment summons altering original order or judgment, *sup.* 168.  
   order of commitment, *sup.* 118.  
     on order or judgment of a court other than a County Court, *sup.* 257.  
   certificate of payment by a prisoner, *sup.* 119.  
   form of certificate, *sup.* 303.  
   bankruptcy of prisoner, *sup.* 118.  
   form of affidavit of, *sup.* 258.  
   form of certificate of, *sup.* 259.  
 fees to be taken on judgment summonses and orders of commitment, i. 371.  
   schedule, i. 371.  
 punishment of fraudulent debtors, i. 372.
- JUDGMENTS**, registry of, i. 78.  
   of city of London courts, i. 116.  
 proof of, i. 487.  
 notice to admit, to save expense of proof, i. 229.
- JUDICATURE ACT.** *See* SUPREME COURT OF JUDICATURE.
- JUDICIAL** proceedings, proof of, i. 487.
- JURISDICTION** of County Courts,  
 (1) Jurisdiction as originally conferred, i. 26.  
 (2) Jurisdiction in actions, i. 28.  
   nature and amount of demand, i. 29.  
   on balance of account, i. 29.  
   abandonment of excess, i. 30.  
   cause of action cannot be divided, i. 30, 538.  
   jurisdiction by consent, i. 83, 149, 170, *sup.* 147.  
   decision of questions of title arising incidentally, i. 33.

JURISDICTION of County Courts—*continued*.(2) Jurisdiction in actions—*continued*.

jurisdiction in ejectment, i. 35, 424, 939.  
 cases when title is in question, i. 37.  
 validity of devise, &c. i. 41.  
 claims by local authorities, *sup.* 22.  
 dissent of the defendant to try in the County Court, i. 42, 220.

transfer of actions from the High Court, i. 43, *sup.* 120.  
 application to County Courts of Common Law Procedure Act, 1854, i. 44.

## (3) Jurisdiction in equity, i. 44, ii. 1.

in suits by creditors, legatees, devisees, heirs at law and next of kin, ii. 6.

in suits for execution of trusts, ii. 9.

in suits for foreclosure, redemption, or enforcing charge or lien, ii. 10.

in suits for specific performance of, or delivering up or cancelling, an agreement for sale of property, ii. 12.

in suits for partition, ii. 17.

in suits for dissolution or winding-up of partnerships, ii. 21.  
 in proceedings under Trustee Acts or Trustee Relief Acts, ii. 18.

in proceedings relating to maintenance or advancement of infants, ii. 20.

in proceedings for orders in the nature of injunctions, or for stay of proceedings at law, ii. 22.

in questions as to separate property of married women, ii. 21.

in suits transferred to County Courts, ii. 23, 110.

transfer of suits when subject-matter exceeds jurisdiction, ii. 109, *sup.* 121.

under "The Friendly Societies Act, 1875," *sup.* 29, 32.

under "The Land Transfer Act, 1875," *sup.* 36.

under "The Employers and Workmen Act, 1875," *sup.* 37.

## (4) Jurisdiction as to the grant and revocation of probate of wills and letters of administration, i. 46.

procuring grant of administration to widows and children of poor intestates, i. 46.

## (5) Jurisdiction in admiralty, i. 46.

## (6) Jurisdiction in bankruptcy, i. 47.

## (7) Auxiliary jurisdiction, i. 47.

bankruptcy, i. 48.

succession duty, i. 48.

Metropolitan Building Act, i. 48.

Public Health Act, 1875, *sup.* 22.

Stannaries Courts, i. 49.

on taxation of returning officers' charges, *sup.* 35.

borough and local courts of record, i. 49.

costs of copyhold commissioners, i. 49.

acknowledgment of deeds by married women, i. 50.

inquiry as to manager of coal mines, i. 50.

issue of writs under Supreme Court of Judicature Act, i. 50.

## (8) Concurrent jurisdiction, i. 50.

collateral rights—proceedings before justices, i. 53.

customs, i. 54.

## (9) Exclusive jurisdiction, i. 54.

## (10) Preservation of particular jurisdictions and privileges, i. 54.

personal privilege, i. 54.

attornies and solicitors, i. 54.

JURISDICTION—*continued*.(10) Preservation of particular jurisdictions and privileges—*continued*.

- universities, i. 55.
- stannaries, i. 55.
- actions against justices of the peace, i. 55.
- jurisdiction of Sheriff's Court of London. *See* CITY OF LONDON COURT.
- costs, where cause struck out for want of, i. 77, 285.
- liability of judge for acting without, i. 93.
- jurisdiction in replevin, i. 27, 387.
  - in recovery of tenements, i. 411.
- defence of want of jurisdiction, in actions for goods sold, i. 538.
  - in action on promissory note, i. 749.
- objection to jurisdiction in ejectment, i. 939.
- time for taking objection to, i. 540.
- of judge in pending proceedings, *sup.* 6.
- of judge at trial, *sup.* 109.
- transfer and vesting of property where trustee or mortgagee out of, ii. 19.
- service of summons out of, *sup.* 85.
- examination of witness out of, *sup.* 106.
- special equitable jurisdiction in various matters, ii. 125.
  - winding-up companies, &c., i. 46.
- in admiralty cases*, i. 46, ii. 146.
  - in maritime cases before "The County Courts Admiralty Jurisdiction Act, 1868," ii. 146.
  - admiralty jurisdiction under "The County Courts Admiralty Jurisdiction Act, 1868," and "The Amendment Act, 1869," ii. 157.
  - appeals to the County Courts from the decision of surveyors as to the unseaworthiness of vessels under "The Merchant Shipping Act, 1871," ii. 189.
- in bankruptcy*, i. 47, ii. 199, 203.
  - (1) General scope and principles of "The Bankruptcy Act, 1869," ii. 199.
  - (2) Description of the court, ii. 201.
    - change of jurisdiction by chancellor, ii. 203.
  - (3) General powers and jurisdiction of the courts and judges, ii. 203.
  - (4) Rules for regulating the practice and procedure, ii. 206.
  - (5) Record and form of proceedings, ii. 207.
  - service of debtor's summons out of the jurisdiction, ii. 236.
- under "The Agricultural Holdings Act, 1875,"*
  - power to appoint referees or umpire, *sup.* 43.
  - hearing of appeal from award, *sup.* 44.
  - enforcement of award, *sup.* 45.
  - appointment of guardian to infant, *sup.* 45.
  - appointment of next friend to married woman, *sup.* 45.
  - power to grant charge on holding, *sup.* 45.

## JURORS, fine on absent, i. 274.

- order for, *sup.* 194.
- insults to, how punished, i. 79, 283.
- ten, to be summoned unless judge otherwise orders, *sup.* 108.

JURY, trial by, i. 68, 223, 272, ii. 74, *sup.* 108.

- in bankruptcy, ii. 301.
- notice of demand of, i. 223, *sup.* 108.
- deposit on, i. 224.
- registrar's notice of, i. 224.
- summoning of, i. 273.
- form of summons, *sup.* 194.

**JURY—continued.**

- number of, i. 273, *sup.* 108.
- challenge, i. 275.
- challenge to the polls, i. 275.
- fees of, i. 16.
- adjournment of cause to obtain, *sup.* 108.
- new trial may be by, i. 300, *sup.* 129.
- trial of actions of replevin by, i. 406, *sup.* 108.
- of interpleader claims by, i. 377, *sup.* 108.
- of questions of title by, *sup.* 108.
- in all proceedings in the nature of a *scire facias*, *sup.* 108.

**JUSTICES OF THE PEACE, actions against, in the County Court, i. 55. See MAGISTRATE.**

- notice of action against justices, i. 149.
- County Court judge may act as a justice without property qualification, i. 91.
- right of suing in County Court as alternative of proceeding before, i. 53.
- replevin on goods distrained under orders of, i. 395.
- conviction and discharge by, for assaults, i. 795.
- jurisdiction of, in salvage cases, ii. 152.
- disqualification of, by bankruptcy, ii. 420.

**JUSTIFICATION OF ASSAULT, i. 793.**

- in action for taking goods, i. 822.
- in action of libel or slander, *sup.* 99.
- affidavit of, by sureties, *sup.* 113.
- form, *sup.* 178.
- in admiralty suits, ii. 171.
- in bankruptcy, ii. 215.

**K.**

“KEEPING HOUSE,” an act of bankruptcy, ii. 229.

KIN, next of, equitable suits by, i. 45, ii. 631.

*See* NEXT OF KIN.

**L.**

LABOUR, action for work and labour, i. 700.

LAMBETH, a metropolitan court, i. 116.

issue of summons in, i. 146.

LANCASTER, Duchy of, appointment of judges in, i. 89.  
registrars, i. 106.

LAND, particulars of demand in actions involving title to, i. 157.

- actions relating to, may be tried by jury, *sup.* 108.
- injuries to person by negligent care of, i. 814.
- injuries to property by the negligent care of, i. 850.
- proceedings relating to charge on, where to be taken, ii. 30.
- where object of suit is to recover or defend possession of, nature of relief to be given, ii. 76.
- execution to enforce delivery of, ii. 104, *sup.* 113.
- interlocutory order may authorize entry upon, *sup.* 102.
- judgment in, to recover, or for damages respecting, *sup.* 112.

- LAND TRANSFER ACT, 1875, *sup.* 36.  
 jurisdiction of County Court under, *sup.* 36.  
 appeal against order, *sup.* 86.
- LANDLORD, evidence for, in action for rent, i. 685.  
 denial of title of, i. 692, 907, 931.  
 liability of, for negligence, i. 853.  
 proceedings by, for the recovery of tenements, i. 27, 411.  
     evidence, i. 924.  
 meaning of term landlord, i. 414, n.  
 notice to, by sub-tenants of service of summons for the recovery of  
 tenements, i. 415, 419.  
 not a trespasser by reason of irregularity in proceedings for recovering  
 possession, i. 421.  
 ejectment by, i. 35, 938.  
 claim by, on interpleader summons, i. 911.  
     evidence, i. 911.  
 See also "*Agricultural Holdings Act*," 1875.
- LANDS, powers for purchasing, for the courts, i. 7.  
 limitation of value of, in ejectment, i. 36.  
     in other actions involving questions of title,  
     i. 36.
- LAW, judge to determine questions of, i. 68.
- LEADING QUESTIONS must not be put to witness on examination in chief,  
 ii. 493.
- LEASE, action for rent on, i. 685.  
 jurisdiction in suits respecting, ii. 13.  
 disclaimer of, in bankruptcy, ii. 328.  
 determinable on bankruptcy, ii. 328.
- LEASEHOLDS, taking of, in execution against goods and chattels, i. 334.
- LEAVE to issue summons, i. 148.  
 where defendant dwelt, &c. within six months, i. 142.  
 where cause of action arose, i. 143.  
 fact to appear on summons, i. 170.  
 to defend, on summons under the Bills of Exchange Act, i. 207, *sup.*  
 148.  
     form of notice of, *sup.* 307.  
 to take proceedings, orders for, need not be drawn up, *sup.* 112.  
 to proceed on judgment after abandonment of appeal, i. 309.  
 to take proceedings on a judgment more than six years old, *sup.* 120.  
 of judge to third persons to appear, *sup.* 100.  
 leave to issue judgment summons,, *sup.* 117.
- LEDGER, form of, *sup.* 323.
- LEGACIES, cognizance of, i. 45, ii. 13.  
 jurisdiction of County Court in, i. 27, 786, ii. 2.  
 certificate of registrar as to, ii. 94.  
     form of certificate, *sup.* 247.  
 interest on, *sup.* 144.
- LEGACY, payment of, to which infant or person beyond seas is entitled,  
 ii. 97.
- LEGACY DUTY, payment of, ii. 100.
- LEGAL ASSETS, ii. 7.
- LEGAL REPRESENTATIVE, continuance of ejectment by, on death, i. 427.

LEGAL TITLE, when may prevail over equitable, ii. 76.

LEGATEE, jurisdiction in suits by, i. 45, ii. 6.  
 equities of, ii. 9.  
 forms of particulars, *sup.* 174.  
 of specific chattel, may maintain trespass, i. 827.  
 action by, for legacy, i. 786.

LETTER before action, i. 153.  
 costs of, i. 129, 162, 169.  
 with summons to be served in foreign district, *sup.* 153.  
 form of, *sup.* 153.  
 with summons to obtain judgment by default, *sup.* 83.  
 form of, *sup.* 293.  
 not be sent where service ordered to be by home bailiff, *sup.* 83.  
 entry of plaint by, *sup.* 143.

LETTERS to be prepaid, i. 66.  
 reasonable costs of, allowed, i. 121.  
 evidence of handwriting by, i. 480.  
 contract contained in, to satisfy Statute of Frauds, i. 651.  
 post, of bankrupt, may be delivered to trustee, ii. 294.

LETTERS OF ADMINISTRATION, jurisdiction as to the grant and revocation of, i. 46, ii. 190.  
 proof of, i. 364.

LETTING AND HIRING, action on contract of, i. 684.

LEVY, on execution against goods, how made, i. 335.  
 on garnishee, i. 345.

LIBEL, actions for, excluded from the jurisdiction of the County Courts, i. 26.  
 unless by agreement, i. 33.  
 actions for, may be remitted to County Court, i. 43, 448.  
 statement of cause of action, i. 451.  
 notice of defence that libel true, *sup.* 99.  
 apology, i. 452, *sup.* 120.  
 forms of notice, *sup.* 184.

LICENCE, jurisdiction in questions of claim to, i. 36.  
 effect of parol licence on easements, i. 899.

LIEN, on goods, i. 837.  
 particular, i. 837.  
 general, i. 837, 839.  
 waiver of, i. 841.  
 defence of, to action for detaining goods, i. 837.  
 judge may order property to be given up on deposit by opposite party, *sup.* 101.  
 action for enforcing, i. 45, ii. 30.  
 order of sale in action, i. 80.  
 form of order, *sup.* 248.  
 goods on which debtor has only a lien cannot be taken in execution, i. 834.

LIGHT AND AIR, natural rights in respect of, i. 888.  
 easements in respect of, i. 888.  
 Prescription Act relating to, i. 896.  
 evidence in actions for obstruction of light, i. 901.

- LIMITATION** of the jurisdiction of County Courts as originally conferred,  
i. 26.  
in equity, ii. 4.  
of actions for proceedings in execution of County Court Acts, i. 85.  
actions on judgments, i. 28.  
local and personal exemption, i. 54.  
actions against justices of the peace, i. 55.  
dissent of the defendants to try in the County Court, i. 42, 220.  
under will, disputes as to validity of, excluded from the original jurisdiction of the County Court, i. 26, 41.  
of defence in ejectment, *sup.* 98.  
form of notice of, *sup.* 219.
- LIMITATIONS, STATUTE OF**, defence of, i. 571.  
notice of, *sup.* 99.  
form of, *sup.* 183.  
successive summonses to save, *sup.* 94.  
appropriation of payment to take case out of the, i. 554.  
evidence for the plaintiff in reply to defence of, i. 571.  
acknowledgment or promise in writing, i. 572.  
what sufficient, i. 573.  
conditional, i. 575.  
what not sufficient, i. 576.  
when accompanied with refusal or denial of liability, i. 579.  
does not require a stamp, i. 580.  
by whom made, i. 580.  
to whom made, i. 581.  
proof of written, i. 581.  
acknowledgment by part payment, i. 582.  
payment must be on account of a larger debt, i. 582.  
and on account of debt sued for, i. 582.  
may be in goods, i. 583.  
proof of part payment, i. 584.  
disability to sue, i. 584.  
in action by and against executor, &c., i. 635, 639.  
in action for rent, i. 699.  
in action for money lent, i. 726.  
in action on promissory note, i. 756.  
in actions for recovery of goods, i. 842.  
of actions in respect of easements, i. 895.  
in ejectment, i. 935.  
in action for recovery of mortgaged property, ii. 11.  
claim of cestui que trust not to be barred by, i. 61, n.
- LIMITED LIABILITY**, registration of joint stock companies with, i. 609.
- LIQUIDATED MONEY DEMAND**, form of particulars in action for, *sup.* 171.
- LIQUIDATION** (of debts) by arrangement under the Bankruptcy Act, defence, i. 593.  
form of notice, *sup.* 183.
- LITERARY INSTITUTIONS**, jurisdiction in relation to, i. 44, ii. 2, 129.  
rules respecting, ii. 135.  
fecs, i. 18.
- LIVERY-STABLE KEEPER**, actions against, for negligence, i. 854.  
not liable for injuries to horses from negligence of builder, i. 816.
- LOAN**, to paupers by guardians recoverable in the County Court, i. 53.
- LOANS ACT.** *See* LOCAL LOANS ACT.

- LOCAL and personal exemption from the jurisdiction of the County Courts, i. 54.
- LOCAL ACTS, courts holden under, held as County Courts, i. 5.
- LOCAL AUTHORITY, may recover demand below 50*l.* in the County Court, *sup.* 22.
- LOCAL COURTS, merger of, in County Courts, i. 6.  
enforcing judgments of, i. 49.
- LOCAL GOVERNMENT ACT, jurisdiction under, i. 53.
- LOCAL LOANS ACT, 1875, provisions of, affecting County Courts, *sup.* 291, n.,  
292, n.  
application for appointment of receiver under, to be by petition, *sup.* 291.  
application for rectification of register of securities under, to be by petition, *sup.* 292.  
in what court petitions to be presented, *sup.* 292.
- LODGINGS, actions for use of, i. 684, 687.
- LONDON, excluded from operation of first County Court Acts, i. 2, 6.  
now included in County Courts, i. 116.  
jurisdiction of City of London Courts, i. 6, 115.  
transfer of actions to, i. 48, n.  
issue of summons in, i. 147.  
service in, i. 174.
- LONDON BANKRUPTCY COURT, ii. 201.  
definition of district, ii. 202.
- LONDON GAZETTE, publication of orders and intention in, i. 4, n.  
proof of orders by, i. 489.  
proof of bankruptcy by, i. 592.  
advertisements in, ii. 96.  
in bankruptcy, ii. 209, 260.  
to be inserted by registrar of County Court judgments, *sup.* 144.  
register of notices in, ii. 284, n.
- LORDS of manors, &c., surrender of courts by, i. 6.
- LOSS of document, secondary evidence, in case of, i. 485.  
of negotiable instrument, defence of, i. 549, 749.
- LOST BILL, payment by, i. 549.
- LOST NOTE, action upon, i. 749.
- LOST PROPERTY, right of action for, i. 825.
- LOST WRITING, secondary evidence of, i. 485.
- LUGGAGE, liability of railway company and other carriers for loss of, i. 852.
- LUNATIC may sue by committee or next friend, *sup.* 92.  
may defend by committee or guardian, *sup.* 92.  
service of summons on, *sup.* 95.
- LUNATIC ASYLUM, service at, *sup.* 96.
- M.
- MAGISTRATE, discharge of servant by, i. 718.  
conviction or discharge for assault by, i. 795.  
liability of, for acts, i. 799.  
in replevin, i. 899.
- D.C.C.



**MAGISTRATE**—*continued.*

notice of action to, i. 149.

notice by, objecting to be sued in County Court, i. 56.

costs in actions against, i. 119, n.

**MAIN SEA**, definition of, ii. 146, n.**MAINTENANCE** of the courts, i. 12.

of infants, jurisdiction as to, i. 45, ii. 20.

form of petition respecting, ii. 51.

of bankrupt's allowance for, ii. 294.

**MAKER** of promissory note. *See* PROMISSORY NOTE.**MALICIOUS PROSECUTION**, actions for, excluded from the original jurisdiction of the County Courts, i. 26.

unless by agreement, i. 33.

jurisdiction in, cannot be acquired by evasion, i. 42.

but evidence of imprisonment must be left to the jury,  
i. 798, n.

action for, may be remitted to the County Court, i. 43, 441.

**MANAGER**, appointment of, in bankruptcy, ii. 251.

costs of, on dismissal of petition, ii. 262.

**MANDAMUS**, rule, instead of, to judge, i. 87, ii. 14.

under the Judicature Act, i. 62, n.

**MARINE**, service of summons on, *sup.* 96.**MARITIME CASES**, jurisdiction in, ii. 146.**MARITIME LIEN**, ii. 150.**MARKET**, question of title to, excluded from the original jurisdiction of the County Courts, i. 26.

consent to give jurisdiction, i. 34.

effect of "The County Courts Act, 1867," upon, considered, i. 36.

**MARKET OVERT**, title to chattels by sale in, i. 825.**MARRIAGE**, proof of, i. 526.

by a person present, i. 526.

by the registrar, coupled with proof of identity, i. 526.

by presumptive evidence, i. 527.

evidence for the plaintiff in reply to proof, i. 528.

liability of husband for goods supplied to wife before, i. 630.

actions for breach of promise of, excluded from the original jurisdiction of the County Courts, i. 26.

unless by agreement, i. 33.

**MARRIED WOMAN**, defence by, of coverture, i. 523.form of defence, *sup.* 183.proceedings on judgment obtained by, on the ground of coverture,  
*sup.* 120.

liability of husband for contracts of, i. 619.

trading in London, i. 623.

acknowledgment of deeds by, i. 50, ii. 142.

seizure of property of, on execution against husband, i. 334.

commencement of action by, *sup.* 89.

jurisdiction of County Courts as to separate property of, ii. 21.

undertaking by next friend of, to pay costs, *sup.* 89.

**MARRIED WOMAN—continued.**

- payment of money where married woman interested, *sup.* 128.
- cannot in general be made bankrupt, ii. 223.
- otherwise when sole traders, ii. 223.
- applications by, as to property in friendly and other societies, ii. 132.
- may sue by next friend, *sup.* 90.
- may be sued (by leave of registrar) without joining husband or next friend, *sup.* 90.
- security for costs by, *sup.* 90.
- judgment for, on plea of coverture, *sup.* 120.
- examination of, by judge, as to interest in fund, *sup.* 128.

**MARRIED WOMEN'S PROPERTY ACT, 1870**, i. 523.

**MARRIED WOMEN'S PROPERTY (AMENDMENT) ACT, 1874**, *sup.* 18.

**MARSHALSEA Court**, abolished, i. 6.

**MARYLEBONE**, a metropolitan County Court, i. 116.

issue of summons in, i. 146.

**MASTER AND SERVANT**, contracts between, i. 712.

- liability of master for goods delivered to servant, i. 600.
- for wrongful acts of servant, i. 790, n., 801, 811.
- non-liability of a master to his servant for the negligence of a fellow-servant, i. 803, 811.

*See also* EMPLOYERS AND WORKMEN ACT, 1875.

**MASTER'S OFFICE**, transmission of case on appeal to, *sup.* 130.

**MATERIALS**, claim for, in action for work and labour, i. 701.

**MATTER**, includes every proceeding commenced otherwise than by plaint, *sup.* 82.

**MEASURES**, sale by unlawful, i. 533.

**MEASURING** of goods or buildings, interlocutory application for, *sup.* 101.

**MEDICAL PRACTITIONERS**, actions by, i. 719.

**MEETINGS OF CREDITORS IN BANKRUPTCY**,

first meeting, ii. 263.

- (1) General provisions, ii. 263.
- (2) Proceedings preliminary to the meeting, ii. 264.
  - place of meeting, ii. 264.
  - form of notice of first meeting, ii. 260.
  - order for attendance of bankrupt, ii. 265.
  - form of order, ii. 265.
- (3) The proceedings at the meeting, ii. 265.
  - business to be transacted, ii. 266.
  - adjournment, ii. 266.
  - by creditors, 267.
- (4) The attendance of the bankrupt, ii. 265, 267.
  - production of statement of affairs, ii. 267.
  - form of statement, ii. 268.
- (5) The right and mode of voting, ii. 269.
  - proxy, ii. 269.
  - how votes are estimated, ii. 269.
  - quorum, ii. 270.

**MEETINGS OF CREDITORS IN BANKRUPTCY—continued.**first meeting—*continued*.

(6) Minutes and report of proceedings, ii. 270.

form of minutes, ii. 270.

list of creditors present, ii. 271.

form of report and certificate of appointment of trustee, ii. 272.

meetings subsequent to the first, ii. 295.

form of order of court for general meeting, ii. 296.

meeting to authorize trustee to accept a composition, ii. 297.

meeting on resignation or death or removal of trustee, ii. 278.

meetings of creditors on liquidation by arrangement or composition, ii. 373.

regulations as to meetings, ii. 373, 381.

meetings of creditors on liquidation by composition, ii. 378.

regulations as to meetings, ii. 378, 381.

**MEMBERS** of unincorporated company, liability of, i. 604.**MEMORANDUM**, proof by, i. 478.

by a person since deceased, i. 471.

in writing under Statute of Frauds, i. 684.

form of, to be placed at foot of every summons, notice, decree, order or other process, *sup.* 151.**MEMORY OF WITNESS**, refreshing, i. 495.**MENIAL SERVANT**, definition of, i. 713.**MERCANTILE CONTRACTS**, explanation of terms in, i. 475.**MERCANTILE LAW AMENDMENT ACT**, i. 584, 758, 912.

order for delivery of specific goods under, i. 298.

form of order, *sup.* 236.

title to goods acquired before actual seizure, i. 912.

**MERCHANT SHIPPING ACTS**, jurisdiction under, i. 53, ii. 150, 289.

proceedings under, i. 48, n.

**MERCHANTABLE** quality of goods, when implied in contracts, i. 668.**MERGER**, distinction of legal and equitable rules as to, abolished, i. 61, n.**MESNE PROFITS**, claim for, in proceedings for recovery of tenements, i. 414, 416, 933.may be joined with claim in ejectment, without leave, *sup.* 92.**METROPOLITAN BUILDING ACTS**, jurisdiction under, i. 48.

proceedings under, i. 48, n.

fees in proceedings under, i. 18.

**METROPOLITAN COUNTY COURTS**, i. 116, ii. 202.issue of summons in, i. 146, *sup.* 144.

city small debts courts to have jurisdiction of, i. 116.

service of summons in, i. 174.

issue of judgment summons in, i. 361, *sup.* 116.**MINERS**, service of summons on, *sup.* 96.**MINES**, service of summons at, *sup.* 96.**MINING ADVENTURES**, liability of shareholders in, i. 606.

- MINUTE BOOK**, orders and judgments to be entered in by registrar in, *sup.* 111.  
form of, *sup.* 315.
- MINUTES** of proceedings in County Courts, i. 78.  
of resolutions in bankruptcy, i. 594.  
of proceedings at first meeting of creditors, ii. 270.  
at meeting on resignation, &c. of trustee, ii. 279.  
of proceedings of joint stock companies, i. 608, 611.
- MISAPPREHENSION** of facts, recovery of money paid under, i. 739.
- MISCHIEVOUS ANIMALS**, injuries to person and property from, i. 812, 849.
- MISCONDUCT** of servant, defence of, to action for wages, i. 717.
- MISDEMEANORS** under bankrupt laws, i. 372.
- MISDIRECTION**, appeal in case of, i. 301, 304, *sup.* 7, 139.  
Court of Appeal may order a new trial in case of, i. 312, *sup.* 130.
- MISJOINDER** of plaintiff, *sup.* 110.  
defendant may obtain costs for, *sup.* 110.  
of defendants, *sup.* 111.  
of parties not to defeat action, *sup.* 111.
- MISNOMER** not to vitiate plaint or summons, *sup.* 110.  
amendment of, *sup.* 110.
- MISREPRESENTATION**, fraud by, i. 529.
- MISTAKE**, money paid under, action for, i. 739.
- MODE** of deciding cases, i. 67.  
of service of process, *sup.* 85.  
in case of default summons, *sup.* 88.  
of proof in actions for goods sold and delivered, i. 515.
- MONEY**, evidence in actions on contracts relating to, i. 724.
- (1) Money lent, i. 724.  
defence, i. 726.  
illegality, i. 726.  
Statute of Limitations, i. 726.
  - (2) Money paid, i. 726.  
proof of the payment of the money, i. 727.  
the defendant's request, i. 727.  
payment to the defendant's use, i. 729.
  - (3) Contribution, i. 730.
  - (4) Money had and received, i. 733.  
money received by agent, i. 733.  
money in the hands of a stakeholder, i. 735.  
money paid for a particular purpose which has not been carried out, i. 737.  
money paid under a misapprehension of the facts, i. 739.  
money paid by necessity or compulsion, i. 741.
  - (5) Account stated, i. 743.  
payment of debt, when must be in, to bind principal, i. 551.  
actions for interest of money, i. 779.  
orders for payment of, *sup.* 112.  
enforcement of order, i. 80, *sup.* 116.

**MONEY—continued.**

- payment of, into court before return day, *sup.* 103.
- interlocutory application for, pending suit, *sup.* 101.
- payment may be on any day when office open, *sup.* 84.
- acknowledgment must be given for every payment or deposit, *sup.* 84.
- money and securities for, may be seized in execution, i. 333.
- how to be dealt with, i. 333.
- received under process, duty of the bailiff in respect of, *sup.* 86.
- appropriation of payments, i. 553.
- on payment into court, i. 340, *sup.* 142.
- tender of, i. 558.
- in what kind, i. 559.
- amount, i. 559.
- must be paid into court, *sup.* 100. *See* TENDER.
- actions relating to securities for, i. 746.
- interlocutory order for security for, *sup.* 101.
- deposit of, in lieu of security, i. 76, *sup.* 131.
- in replevin, i. 403.
- payment out of court, by cheque or post office order, *sup.* 143.
- no payment out of court to be made to plaintiff or his solicitor without production of plaint note, *sup.* 94.
- payment of trust, into court, ii. 19, 63, *sup.* 131.
- rules respecting, *sup.* 131.
- forms of certificate as to, *sup.* 254.
- applications to enforce payment of, *sup.* 119.
- order for payment into court of, to which infant or person beyond seas is entitled, ii. 97.
- form of certificate as to, *sup.* 254.
- in admiralty*,
- deposit of, as security, *sup.* 137.
- payment out of court of, *sup.* 139.
- in bankruptcy*,
- deposit of, as security, ii. 170.
- delivery of, to trustee, ii. 332.
- payment or delivery of, when protected, ii. 230.
- property includes money, ii. 201, n., 309.
- dividend to lender of, when he had share of profits, ii. 358.
- form of order for payment of, out of Bank of England, ii.

**MONTH**, to mean calendar month, *sup.* 82.

**"MORE OR LESS,"** meaning of, in contract for goods, i. 657.

**MORTGAGE**, jurisdiction of County Courts as to, i. 45, ii. 10.  
 court in which proceedings to be taken, i. 80.  
 forms of particulars, *sup.* 175.  
 form of order of reference in foreclosure suit, *sup.* 243.  
 certificate of amount due on, ii. 95.  
 admiralty jurisdiction over mortgaged ships, ii. 149, n.  
 power of trustee in bankruptcy to, ii. 283, 340.  
 when not fraudulent in bankruptcy, ii. 320.

**MORTGAGE DEBTS**, payment of, out of personalty, ii. 8.  
 principles of equity respecting, ii. 10.  
 taking account of, in bankruptcy, ii. 341.

**MORTGAGEES**, rights of, in law and equity, ii. 10, 12.  
 when he may maintain trespass, i. 821.  
 action by, for interest on mortgage, i. 779.

**MORTGAGEES—continued.**

- ejectment by, i. 939.
  - forms relating to, *sup.* 229.
- transfer of property of lunatic or infant, ii. 19.
- of vessels, claims and actions by, ii. 148.

**MORTGAGOR, rights of, ii. 10.**

- ejectment against, i. 917.
  - forms of judgment after payment into court by, *sup.* 230.
- distress for rent by, i. 907.
- provisions of Judicature Act as to rights of, i. 61, n.

**MOTION, applications in bankruptcy to be by, ii. 212.**

- notice of, ii. 212.
- notes of, ii. 213.
- order in which, heard, ii. 213.
- appeals by, under County Court Act, 1875, *sup.* 5, 131.

**MUNICIPAL CORPORATIONS, proof of bye-laws and proceedings of, i. 489.****MUNICIPAL ELECTIONS, penalties for bribery at, i. 54.****MUTUAL debts and credits, set-off of, i. 565, 567.**

- in bankruptcy, i. 644, ii. 342.

**N.****NAME,**

- names of the parties to be furnished to the registrar on the entry of the plaint, i. 153, *sup.* 88.
- substitution of, of third party as defendant, *sup.* 107.
- amendment of, of parties at the trial, *sup.* 109.

**NATIONALITY of vessel, when to be stated in affidavit for arrest, *sup.* 137.****NAUTICAL ASSESSORS, in admiralty causes, ii. 174.****NAVAL PRIZE ACT, ii. 160, n.****NECESSARIES, what are or are not, for infants, i. 520.**

- when parent liable for, i. 631.
- implied liability of husband for, supplied to wife, i. 620.
  - when wife living apart from him, i. 625.
- claims for, supplied to ships, ii. 148.
- County Court jurisdiction in respect of, ii. 160.
- statement in affidavit of nationality of vessel, in suit for, *sup.* 137.

**NECESSITY, easements of, i. 898.**

- money paid by, i. 741.

**NEGLECT, punishment of bailiffs for, on execution against goods, i. 342, *sup.* 85.**

- to obey order, committal for contempt for, *sup.* 119.

**NEGLIGENCE, actions for injuries to the person from, i. 800.**

- (1) in general, i. 800.
- (2) negligent driving, i. 809.
- (3) keeping dangerous animals, i. 812.
- (4) negligent care of land, i. 814.
- actions for injuries to property from, i. 843.
  - generally, i. 844.
  - negligent driving, i. 846.
  - mischievous animals, i. 849.
  - negligent care of land, i. 850.

**NEGLIGENCE—continued.**

- actions for injuries to property from—*continued.*
  - loss by bailees, i. 854.
  - by carriers, i. 857.
  - by innkeepers, i. 876.

**NEGLIGENT DRIVING**, injuries to the person from, i. 809.  
to property from, i. 846.

**NEGOTIABLE INSTRUMENT**, defence of payment by, i. 543.  
loss of, i. 549.

**NEW TRIAL**, power of judge to grant, i. 76, 299.  
when and how applied for, i. 299, *sup.* 128.  
where the defendant has not appeared at the first trial, i. 300.  
no new trial granted on account of judge ruling that stamp on documents sufficient or unnecessary, i. 501.  
may be before a jury, i. 300, *sup.* 129.  
costs of, i. 301.  
form of order for new trial, *sup.* 198.  
by order of Court of Appeal, *sup.* 130.  
in actions sent from High Court, i. 445.

**NEXT FRIEND**, attendance of, in actions by infants, *sup.* 89.  
married women and infants may sue by, *sup.* 90.  
liability of, for costs, *sup.* 89.  
undertaking by, for costs, *sup.* 89.  
form of, *sup.* 170.

**NEXT OF KIN**, equitable suits by, i. 45, ii. 6.

**NOMINAL PARTNER**, liability of, i. 614.  
need not be joined as a plaintiff, i. 537.

**NONJOINDER** of plaintiffs or defendants, defence of, *sup.* 110.  
amendment in case of, *sup.* 90, 110.  
or wife, amendment in case of, *sup.* 111.

**NON-PRODUCTION** of documents by witness, power of Court in case of, *sup.* 106.  
not to exclude secondary evidence, *sup.* 106.

**NON-SERVICE** of a summons, notice of, *sup.* 85.

**NONSUIT**, power of judge to, i. 76, 265, 284.  
effect of, *sup.* 109.  
setting aside, *sup.* 109.  
proceedings to be the same as for new trial, *sup.* 129.  
form of judgment, *sup.* 160.

**NOTE**, on entry of plaint, i. 165, *sup.* 94.  
in writing, under Statute of Frauds, i. 648. *See* **PROMISSORY NOTE**

**NOTICE** of holding courts, i. 10.  
of action, when necessary, i. 149.  
for proceedings under County Court Acts, i. 85.  
of employment of counsel or attorney unnecessary, i. 228, *sup.* 108.  
of service of summons by plaintiff, or his attorney or clerk, *sup.* 89.  
of non-service, *sup.* 85.  
form of, *sup.* 155.  
of doubtful service, *sup.* 85.  
form of, *sup.* 156.  
of service of default summons, *sup.* 486.  
form of, *sup.* 294.

NOTICE—*continued.*

- to plaintiff of admission of claim, i. 196, *sup.* 103.
  - form of notice, *sup.* 161.
- that defendant defends on behalf of others, *sup.* 98.
  - form of notice, *sup.* 185.
- to plaintiff of payment into court, *sup.* 103.
  - form of notice, *sup.* 298.
- of special defence, i. 201, *sup.* 99.
- of set-off, *sup.* 99.
  - form, *sup.* 183.
- in libel or slander, *sup.* 120.
- of claim against third party by defendant for contribution, indemnity, &c., *sup.* 288.
  - form of, *sup.* 309.
- to parties added as defendants, *sup.* 290.
  - form of, *sup.* 302.
- of equitable defence, *sup.* 100.
  - adjournment to enable notice to be given, i. 280, *sup.* 99.
- of defence in collision, *sup.* 139.
- of dishonour of bill of exchange, i. 774.
- to quit, i. 926.
  - waiver of, i. 931.
- by justice of peace, of objection to be sued in the County Court, i. 56.
- by defendant in actions above 20*l.* in contract, or 5*l.* in tort, of objection to be sued in the County Court, i. 42, *sup.* 99.
- of demand of jury, i. 223, *sup.* 108.
- to produce documents, i. 228, *sup.* 104.
- to admit and inspect document, i. 229, *sup.* 105.
  - form of, *sup.* 300.
- of day of hearing after appearance on default summons, *sup.* 4.
  - form of, *sup.* 293.
- of trial of action remitted to County Court, *sup.* 120.
  - form of, *sup.* 179.
- of sureties in bond given by way of security, *sup.* 131.
  - form of, *sup.* 178.
- of discontinuance of the action, *sup.* 289.
  - form of notice, *sup.* 299.
- of application for new trial, *sup.* 128.
  - not to operate as stay of proceedings unless judge otherwise orders, *sup.* 129.
- of allowance or disallowance of claims, to be sent by registrar to creditor, *sup.* 114.
- of interlocutory proceedings may be served by solicitor, *sup.* 144.
- of change of solicitor, *sup.* 143.
  - form of, *sup.* 249.
- of change of plaintiff, *sup.* 107.
  - form of, *sup.* 209.
- of change in title, *sup.* 107.
  - forms of notice, *sup.* 301.
- to be indorsed on warrant of execution, *sup.* 116.
  - form of, *sup.* 159.
- of names of assessors, *sup.* 134.
  - form of notice, *sup.* 191.
- of plaintiff's desire to examine defendant as to debts due, *sup.* 124.
  - form of notice, *sup.* 195.
- of payment of money or transfer of stock or deposit of security, ii. 58, *sup.* 182.
  - form of, *sup.* 255.



NOTICE—*continued*.

- to treasurer of deposit of security, *sup.* 132.
  - form of notice, *sup.* 256.
- of order to absent parties, *sup.* 115.
  - form of notice, *sup.* 245.
- to receiver to produce accounts, *sup.* 87.
  - form of, *sup.* 295.
- to creditor to prove his claim, *sup.* 114.
  - form of, *sup.* 245.
- to creditor of allowance of claim, *sup.* 114.
  - form of, *sup.* 245.
- to inspect registrar's certificate, *sup.* 115.
  - form of, *sup.* 248.
- to person guilty of contempt, *sup.* 119.
  - form of, *sup.* 251.
- of intention to apply for discharge from custody, ii. 106, *sup.* 145.
- of names of assessors, *sup.* 6.
  - form, *sup.* 191.
- of sittings to hear objection to assessors, *sup.* 6.
  - form of, *sup.* 192.
- to defendant of proceedings under Probate Act, ii. 195.
- in admiralty cases*,
  - of defence in suit for collision, *sup.* 139.
  - of hearing, form of, *sup.* 264.
- in bankruptcy*,
  - may be sent by post unless otherwise prescribed, ii. 215.
  - register of gazetted notices, ii. 284, n.
  - service of notice of motion, ii. 212.
  - of proposed sureties when security required, ii. 215.
  - by debtor of intention to dispute petition, ii. 248.
    - form of, ii. 248.
  - of sureties on bond on day of proceedings, ii. 258.
  - of first meeting of creditors, ii. 260.
  - of meeting on resignation of trustee, ii. 278.
  - to trustee at instance of comptroller, ii. 286.
    - form of, ii. 287.
  - of application for committal of bankrupt, ii. 289.
  - in Gazette of appointment of trustee and of day for public examination, ii. 292.
  - in Gazette of meeting to authorize trustee to accept composition, ii. 297.
  - of act of bankruptcy, ii. 328.
  - taking away right of set-off, ii. 345.
  - of application for committal for non-delivery of monies or securities, ii. 338.
  - of application to set aside part of salary or income, ii. 335.
  - of intended dividend, ii. 355.
  - of dividend declared, ii. 356.
  - of application for bankrupt's discharge, ii. 362.
  - to creditors of application for discharge after close of bankruptcy, ii. 368.
  - that creditor seeks to enforce payment out of property of undischarged bankrupt, ii. 370.
  - to creditors of general meeting for liquidation, ii. 392.
    - for Gazette, ii. 398.
  - of second general meeting, ii. 397.

NOTICE BOOK, form of, *sup.* 324.

NOTICES, general form of heading and conclusion of, *sup.* 150.

NUISANCE, jurisdiction under the Nuisance Removal Act, i. 53.

## O.

- OATH**, witnesses to be examined on, or affirmation or declaration, i. 69, 491, ii. 72.  
 to be administered by proper officer of court, i. 69.  
 in admiralty causes, ii. 176.  
 before whom affidavits to be sworn in bankruptcy, ii. 214.
- OBJECTION**, by justices of the peace to be sued in the County Court, i. 56.  
 to jurisdiction of County Court in claims exceeding 20*l.* in contract and 5*l.* in tort, i. 42, *sup.* 99.  
 in ejectment, i. 917.  
 time for taking, to jurisdiction, i. 540.  
 notice of, to be given to the plaintiff and registrar five days before hearing, *sup.* 99.  
 security by defendant, *sup.* 99.  
 form of notice, *sup.* 189.  
 form of bond, *sup.* 189.  
 to answer interrogatories, *sup.* 105.  
 to assessors, notice of, sitting to hear, *sup.* 6.  
 form of notice, *sup.* 192.
- OBSTRUCTION** of light, action respecting, i. 888.  
 particulars of claim, i. 881.
- OCCASIONAL COSTS**, scale of, i. 180.
- OCCUPATION** of premises, action for, i. 685.  
 proof of, i. 689.
- OCCUPIERS** of property, liability of, for negligence, i. 814, 850, 852.
- OFFENCES** by bankrupt, ii. 294.
- OFFICE COPIES**, proof by, i. 487.
- OFFICE COPY** of bankruptcy proceedings, ii. 209.
- OFFICE HOURS**, rules respecting, *sup.* 82.
- OFFICERS OF THE COURTS**,  
 officers in general, i. 101.  
 offices of clerk, treasurer and bailiff not to be conjoined, i. 101.  
 not to act as attornies in the court, i. 102, 269.  
 penalty, i. 102.  
 may not be sureties in proceedings, *sup.* 181.  
 treasurers, clerks and high bailiffs to give security, i. 102.  
 future abolition of offices of treasurer and high bailiff, i. 102, 103.  
 actions against, where summons to be issued, i. 104, 148, ii. 31.  
   where to be tried, i. 85, 148, 388, n., *sup.* 109.  
 protection of, from actions, i. 85, 86, 320.  
   in executing warrants, i. 320, 342.  
 change of venue, in actions brought by, i. 232.  
 liability of officers for neglect, i. 104.  
 protection of, in proceedings for recovery of tenements, i. 421.  
 assaults on, how punished, i. 79, 842.  
 insults to, i. 79, 288.  
 treasurers, i. 105. *See* TREASURERS.  
 registrars, i. 105. *See* REGISTRARS.  
 high bailiff, i. 111. *See* HIGH BAILIFF.

- OFFICES OF COURTS, i. 7.  
     when to be open, *sup.* 82.  
     may be closed by special order of Lord Chancellor, *sup.* 83.
- OFFLOW, Hundred Court of, abolished, i. 6.
- OMISSION of wife, amendment in case of, *sup.* 111.  
     of plaintiffs, amendment in case of, *sup.* 110.
- ONEBOUS PROPERTY, disclaimer of, in bankruptcy, ii. 325.  
     proof where persons injured by disclaimer, ii. 348.
- OPPRESSION, setting aside contracts for, ii. 16.
- ORAL evidence, i. 465. *See* EVIDENCE.  
     examination of interrogated person, i. 251, 256, ii. 75.  
     admiralty causes, i. 176.
- ORDERS IN COUNCIL AND OF GOVERNMENT DEPARTMENTS, proof of,  
     i. 489.
- ORDERS OF COURT, i. 296.  
     for regulating the practice of the courts, how framed, i. 63.  
     general form of heading and conclusion of, *sup.* 150.  
     enforcement of, i. 80, *sup.* 116.  
     in the nature of injunctions, i. 45, ii. 22, *sup.* 101, 119.  
     form of application for, *sup.* 298.  
     for payment of money, i. 80.  
     not to be set aside for want of form, i. 84.  
     of superior court to judge or officer, i. 87.  
     order of adjournment, not served unless by direction of judge, *sup.* 146.  
         form of order for, *sup.* 195.  
     for discovery, *sup.* 105.  
         form of, *sup.* 182.  
     for inspection of documents, i. 243, *sup.* 104.  
     to answer interrogatories, *sup.* 105.  
         form of order, *sup.* 299.  
     for oral examination, i. 251, 276, ii. 75.  
         form of, *sup.* 182.  
     for attachment of debts, i. 345, *sup.* 124.  
     for commitment on judgment summons, i. 352, *sup.* 117.  
         rules relating to, *sup.* 117.  
         forms, *sup.* 168.  
     order for possession on recovery of tenements, i. 419.  
         form of, *sup.* 308.  
     order for trial of actions sent by High Court, i. 444, *sup.* 120.  
     of adjudication of bankruptcy, i. 591.  
         of discharge, i. 591.  
     interlocutory and interim, practice as to, *sup.* 101.  
     for adjournment or costs to be entered by registrar, *sup.* 111.  
     in nature of decree to be settled, sealed and filed by registrar, *sup.* 112.  
     for payment of money, may be enforced in the same manner as a judgment, *sup.* 116.  
     for payment or adjournment, to be prepared by registrar and served by bailiff, *sup.* 112.  
     party obtaining, need not prove posting or that it reached opposite party, *sup.* 112.  
     need not be drawn up or served after judgment for plaintiff or default summons, *sup.* 112.  
     if not for payment forthwith, payment to be in fourteen days unless otherwise directed, *sup.* 112.

ORDERS OF COURT—*continued*.

- for preparation of deed, to state by whom deed to be prepared, *sup.* 113.
- for sale of real property, to state who is to have conduct of sale and prepare conditions and abstract, and name of conveyancing counsel (if any), *sup.* 118.
- for accounts or inquiry, *sup.* 113.
  - proceedings and powers of registrar under, *sup.* 113.
  - form of order, *sup.* 241.
- order not necessary when court gives leave to take a proceeding, *sup.* 112.
- of reference, *sup.* 124.
  - form of, *sup.* 215.
- in interpleader summons, *sup.* 122.
  - form of, *sup.* 200.
- in interpleader, on disputed assignment, *sup.* 122.
  - form of, *sup.* 193.
- service of order in nature of injunction, ii. 102, *sup.* 119.
  - form of order, *sup.* 250.
- committal for neglect to obey, *sup.* 119.
  - form of order, warrant, &c., *sup.* 252.
- general orders and rules relating to companies and winding up, ii. 139.
- enforcement of, under Friendly and other Societies Acts, ii. 135.
  - forms of orders, *sup.* 235.

ORDERS for regulating admiralty jurisdiction of County Courts, *sup.* 135.

- of the Court of Passage, ii. 158.
- in probate cases, ii. 194.
- Consolidated Orders, 1875, *sup.* 81.
- enforcement of orders in bankruptcy, ii. 205.

ORDER BOOK, form of, *sup.* 325.

## ORDER IN COUNCIL, appointing County Courts to have admiralty jurisdiction, ii. 158.

ORDINARY SUMMONS, definition of, *sup.* 82.

## OUSTER, in ejectment, by joint tenant, &amp;c., i. 427.

## OUTSTANDING DEBTS, defence of, in action against executor, i. 640, 642.

OUTSTANDING ESTATE, certificate of registrar as to, *sup.* 114.
 

- form of certificate, *sup.* 246.

## OWNERS of fixed property liable for negligence, i. 815.

## OXFORD AND CAMBRIDGE, rights and privileges of university of, preserved, i. 55, 539.

## P.

## "PACKED PARCELS," i. 874.

## PALACE COURT, abolished, i. 6.

PAPERS, summons to witness for production of, i. 225, *sup.* 106.

## PARCELS, liability of carriers for loss of, i. 859.

## PARISH CLERK, appointment of, and right to customary payment, involves title to incorporeal hereditament, i. 38.

PARLIAMENTARY ELECTIONS ACT, 1875, fees under, *sup.* 283. *See* RETURNING OFFICERS.

PAROL LICENCE, effect of, on the acquisition of easements, i. 899.

PAROL, or oral evidence, i. 465, 470.

not admissible to vary writing, i. 472.

to explain written contract, i. 475.

to fill up blanks in written contract, i. 477.

when written agreement in hands of opposite party, i. 484.

when lost, i. 485.

parol contracts of companies, i. 608, 610.

PART delivery of goods, where an acceptance of the whole, i. 513.

payment to take case out of the Statute of Limitations, i. 582.

payment to take case out of the Statute of Frauds, i. 648.

defence in ejectment for part of property, i. 425.

part of cause of action, i. 148, 144.

PARTICULAR jurisdiction and privileges, i. 54.

PARTICULAR LIEN, i. 837.

PARTICULAR PLACE, note or bill made payable at, i. 748.

PARTICULARS,

of demand, i. 155, 169, *sup.* 93.

to be filed on entry of plaint, *sup.* 93.

solicitor filing, to endorse name, &c., *sup.* 93.

to be signed by plaintiff or his solicitor, *sup.* 93.

every ground of action to be stated in, *sup.* 93.

to be annexed to summons before service, and deemed part of it, *sup.* 94.

defendant may within three days demand further particulars, *sup.* 93.

requirements of further particulars, *sup.* 94.

court may order costs for unnecessary prolixity, *sup.* 94.

forms of particulars, *sup.* 171.

in ejectment, *sup.* 174.

in claims under the Copyright of Designs Act, i. 160.

evidence confined by, i. 464, 792.

cannot be amended for purpose of giving jurisdiction, i. 42.

in actions of contract sent from High Court, i. 447.

of licence, i. 202.

of set-off, i. 569, *sup.* 288.

form of, *sup.* 183.

of counter claim, *sup.* 288.

PARTIES,

to suit, *sup.* 90.

amendments as to, and improperly suing or being sued, *sup.* 109.

beneficially interested may be added at any stage of the proceedings, *sup.* 288.

are competent witnesses, i. 69, 465.

notice of order to absent, *sup.* 115.

inquiries by registrar as to absent, *sup.* 115.

appearance of, in bankruptcy, ii. 211.

parties to suits under Friendly Societies and other Acts, ii. 132.

PARTITION, jurisdiction in actions for, ii. 17.

form of particulars in, *sup.* 176.

PARTITION ACT, fees under, *sup.* 279.

PARTNERS, action for goods sold by one of two or more, i. 599.

action for goods delivered to, i. 611.

may sue or be sued in name of firm, *sup.* 90.

garnishee summons against, may be served as an ordinary summons, *sup.* 290.

**PARTNERS—continued.**

- registrar may order names of, to be furnished, *sup.* 91.
- persons alleged to be, may show cause against judgment, *sup.* 91.
- service of summons against firm, *sup.* 96.
- interlocutory application for names of firm suing, *sup.* 102.
- signature of promissory note by, i. 747.
- acceptance of bill by, i. 766.
- payment to one of several, i. 553.
- appropriation of payments by, i. 554.
- seizure of goods of, on execution against one, i. 333.
- bankruptcy of, i. 644.

**PARTNERSHIP, proof of, i. 528, 611.**

- defence of, between plaintiff and defendant, i. 528.
- in action on promissory note, i. 754.
- claim for balance of partnership account, i. 27, 735.
- proof of dissolution, in actions, i. 619.
- jurisdiction in suits for winding up, i. 45, ii. 21.
- general jurisdiction over, ii. 22.
- form of particulars, *sup.* 176.
- form of order for dissolution, *sup.* 244.
- form of final judgment, *sup.* 245.
- form of order for receiver, *sup.* 297.
- bankruptcy, provisions respecting,*
  - petition against, ii. 222.
  - presentation of petition, ii. 242.
  - affidavit for summoning debtors in partnership, ii. 234.
  - petition by co partnership, ii. 242.
  - actions and suits by trustee in case of, ii. 330.
  - dividends where one partner bankrupt, ii. 357.

**PARTY, meaning of, *sup.* 82.****PASSAGE COURT OF LIVERPOOL, ii. 158.****PASSENGERS' LUGGAGE, liability of carriers for loss of, i. 839.**  
what constitutes personal luggage, i. 861.**PAUPERS, actions by, i. 152.****PAWNBROKER, liability of, in respect to goods pledged, i. 830.****PAYEE v. Maker of Promissory Note, action by, i. 747.**

- v. Acceptor of Bill of Exchange, i. 764.
- v. Drawer of Bill of Exchange, i. 774.

**PAYMENT, defence of, i. 541.**

- by delivery of negotiable instruments, i. 543.
- by cheque, i. 544.
- by cheque of third person, i. 546.
- by bill of exchange or promissory note, i. 546.
- by bill or note of third person, i. 547.
- where the bill is lost, i. 549.
- through the post, i. 549.
- to third person, i. 549.
- to agent, i. 549, 597.
- to one of several plaintiffs, i. 553.
- by third person, i. 553.
- application of payments, i. 553.
- admission by, i. 469.
- consent to payment by instalments, *sup.* 89.
- effect of admission of payment in particulars, i. 557.

PAYMENT—*continued.*

- defence to action on note, i. 755.
  - proof of, i. 555.
    - receipts, i. 555.
    - stamp on receipts, i. 556.
    - in action for rent, i. 698.
    - in action for wages, i. 719.
    - in action for money paid, i. 727, 729.
    - in action by Indorsee v. Acceptor of Bill, i. 772.
  - part, insufficient to render infant liable, i. 522.
    - to take case out of Statute of Limitations, i. 582.
    - to take case out of Statute of Frauds, i. 648.
  - of debts, defence in action by and against executor, i. 634, 639.
  - order for, to be entered by registrar, *sup.* 111.
    - to be served by high bailiff, *sup.* 112.
    - may be enforced in the same manner as a judgment, *sup.* 116.
  - if not ordered forthwith, to be in fourteen days, unless court otherwise directs, *sup.* 112.
  - by instalments, to commence in twenty-eight days, if no period mentioned, *sup.* 112.
  - of debt and costs by defendant, i. 195, *sup.* 112.
    - orders and rules respecting, i. 297, *sup.* 112.
    - notice to plaintiff, *sup.* 112.
  - of principal and costs on summons under Bills of Exchange Act, i. 207.
  - of debt by garnishee, i. 345, *sup.* 125.
  - by prisoner, certificate of, *sup.* 119.
    - form of certificate, *sup.* 303.
  - of jury, i. 16, n., 224.
  - of witnesses, i. 226.
    - scale of allowances, *sup.* 268.
  - acknowledgment must be given for every payment into court or deposit, *sup.* 84.
  - of money to attend orders of County Court under "County Courts Act, 1867," *sup.* 131.
  - of legacy or money to which an infant or person beyond the seas is entitled, ii. 97.
  - of legacy and succession duty, ii. 100.
  - of money by high bailiff, *sup.* 86.
  - execution to enforce payment of money under decree or order, ii. 103, *sup.* 116.
  - in admiralty suits,*
    - payment out of court, *sup.* 139.
    - money may be retained, to abide judgment in other actions, *sup.* 139.
  - in bankruptcy,*
    - when protected, ii. 320.
    - of money to trustee, ii. 332.
- PAYMENT INTO COURT, power and mode of payment, i. 199, *sup.* 103.
- may be made on any day when office open, *sup.* 84.
  - defence by, i. 594.
  - costs of, after notice of defence under County Courts Act, 1875, *sup.* 289.
  - forms of notice of payment, *sup.* 298.
  - in action on promissory note, i. 755.
  - in actions of tort, i. 796.
  - in libel, *sup.* 103.
    - acceptance by the plaintiff, i. 200, *sup.* 103.

**PAYMENT INTO COURT—continued.**

- if not accepted, plaintiff's money to remain in court till after judgment, *sup.* 104.
- by executors and administrators, i. 201.
- of sum tendered, i. 201.
- on summons under Bills of Exchange Act, i. 207.
- in replevin, i. 392, 405.
- of money under "County Court Act, 1865," *sup.* 127.
- of trust monies, ii. 19, *sup.* 131.
- form of certificate as to, *sup.* 254.
- directions as to, *sup.* 127.
- interlocutory application for, in pending suit, *sup.* 101.
- pursuant to judgment, *sup.* 112.
- appropriation of, *sup.* 142.
- money paid in under execution to be retained, where notice of new trial given, *sup.* 128.

**PAYMENT OUT OF COURT**, by cheque or post-office order, *sup.* 143.

**PAYMENTS** due at stated periods, proof in bankruptcy in the case of, ii. 348.

**PEACE OFFICERS**, to aid in the execution of warrants against goods, i. 80, 321.

may arrest without warrant persons assaulting officers, i. 79.

**PECUNIARY LEGATEES**, form of particulars in action by, *sup.* 174.

**PEDIGREE**, production of, in inquiries before registrar, *sup.* 114.

**PENALTIES**, recovery of fines and, i. 86.

- application of, i. 87.
- action for, to secure the performance of covenants, particulars of breaches in, i. 157.
- judgment in, i. 157.
- jurisdiction for the recovery of, in various cases, i. 54.
- on officers of courts, i. 102.

**PENALTY**, payment of, and stamp duty, at trial, i. 499.

when equity cannot relieve against, ii. 77.

**PENDING PROCEEDINGS**, power of judge to make orders, &c. in, *sup.* 6.

**PENSION** of bankrupt, appropriation of, ii. 333.

**PENSIONS**, retiring, of judges, i. 98.

**PERFORMANCE** of conditions precedent, i. 654, 662.

- of work, i. 704, 711.
- specific, suits for, i. 45.
- of contract, undertaking for, under "Employers and Workmen Act, 1875," *sup.* 87.
- form of undertaking, *sup.* 809.

**PERFORMANCE, SPECIFIC**, suits for, ii. 13.

form of particulars in, *sup.* 175.

**PERISHABLE GOODS**, interlocutory application for sale of, *sup.* 101.



- PERJURY**, persons giving false evidence guilty of, i. 69.  
power of judge or deputy to commit for, i. 283, n.  
in admiralty suits, i. 176.
- PERSON**, actions for injuries to the, i. 789.  
wilful or intentional, i. 789.  
arising from negligence, i. 800.
- PERSONAL ESTATE**, suits for administration of, i. 45, ii. 6.  
transfer of, ii. 19.  
order for sale of, *sup.* 113.  
form of order for, *sup.* 242.  
certificate of registrar as to, *sup.* 115.  
form of certificate, *sup.* 246.  
limit of, to give jurisdiction in probate cases, ii. 190.
- PERSONAL LUGGAGE**, what constitutes, i. 861.
- PERSONAL PRIVILEGE**, not allowed, i. 54.
- PERSONAL SERVICES**, actions relating to, i. 700.  
exemption from the jurisdiction of the County Courts, i. 54.  
representatives, continuation of action by, i. 236.
- PETITION**, by person interested in fund in court, *sup.* 133.  
form of, *sup.* 350.  
under Local Loans Act, 1875, *sup.* 291.
- PETITION IN BANKRUPTCY**, ii. 241.  
who may petition, ii. 224.  
presentation of petition, ii. 241.  
where to be filed, ii. 241.  
time for presentation, ii. 242.  
presentation in the case of partnerships, ii. 242.  
by company or co-partnership, ii. 242.  
form of, ii. 243.  
verification, ii. 244.  
service, ii. 246.  
notice by debtor of intention to dispute petition, ii. 248.  
restraint of actions and legal process after presentation of, ii. 249.  
appointment of receiver and manager after, ii. 251.  
arrest after presentation, ii. 252.  
the hearing, ii. 254.  
staying proceedings, ii. 255.  
adjudication, ii. 259.  
dismissal of petition, ii. 261.  
appeal from dismissal, ii. 262.
- PETITION FOR LIQUIDATION in bankruptcy**, ii. 381.  
form of, ii. 391.  
affidavit in support of, ii. 391.
- PETITIONER in bankruptcy**, ii. 221.  
identification of, ii. 242.
- PETITIONING CREDITOR'S DEBT**, in bankruptcy, ii. 224.  
the amount, ii. 224.  
nature of the debt, ii. 224.  
secured debt, ii. 224.  
date of debt, ii. 225.
- PIECE-WORK**, actions by infants for, i. 152.

- PILOT, defence in admiralty suit that vessel in charge of, *sup.* 139.
- PLACE for holding courts, i. 9.  
of business or dwelling, i. 141.
- PLAINT, all proceedings to commence with, i. 65, *sup.* 88.  
court where, to be entered, i. 140.  
in what district, i. 140.  
where the defendant dwells, i. 140.  
where the defendant recently resided, i. 142.  
where the cause of action arose, i. 143.  
in the metropolitan districts, i. 146.  
city of London, i. 147.  
where the judge of the County Court is a party, i. 148.  
where officers of County Court parties, i. 148.  
proceedings preliminary to the entry, i. 148, *sup.* 88.  
leave to issue summons, i. 148, *sup.* 88.  
obtaining consent, i. 149.  
notice of action, i. 149.  
demand of warrant, i. 151.  
security for costs, *sup.* 88.  
actions by infants, *sup.* 89.  
actions by paupers, i. 152.  
letter before action, i. 153.  
entry by letter where the plaintiff does not reside in the district, *sup.* 148.  
names of the parties and description and residence of the defendant, i. 153, *sup.* 88.  
when the name of the defendant is unknown, *sup.* 90.  
representative character, i. 154, *sup.* 90.  
nature of the summons to be issued, i. 155.  
in the case of several defendants, i. 155, *sup.* 90.  
particulars of demand, i. 155, *sup.* 93.  
in actions involving title, &c., i. 157, *sup.* 93.  
in actions for breaches of covenant, i. 157.  
under Copyright of Designs Act, i. 160.  
fees on entering plaint, *sup.* 275.  
costs of solicitor, *sup.* 269.  
entry of the plaint, i. 164, *sup.* 88.
- PLAINT BOOK, i. 164.  
form of, *sup.* 314.
- PLAINT NOTE, i. 165, *sup.* 94.  
form of, *sup.* 152.  
no money to be paid out of court without production of, *sup.* 94.  
form of memorandum at foot of, *sup.* 151.
- PLAINTIFF, costs of, in the High Court, i. 118.  
proceedings of, to commence action, i. 140, ii. 30, *sup.* 88.  
settlement of claim by agreement with plaintiff, i. 198, *sup.* 103.  
discontinuance by, *sup.* 289.  
notice of, *sup.* 289.  
form of notice, *sup.* 299.  
acceptance in satisfaction of money paid into court, *sup.* 103.  
notice of, *sup.* 103.  
continuance of action in case of bankruptcy of, i. 236.  
in case of death of one or more, before judgment, i. 236.  
proceedings where, only appears, i. 270.  
proceedings where, does not appear, i. 272, *sup.* 108.  
insufficient description of, in summons, *sup.* 110.  
misjoinder of, *sup.* 110.

**PLAINTIFF—continued.**

omission of, *sup.* 110.

judgment for, i. 284.

form of, *sup.* 160.

nonsuit of, i. 284.

effect of, *sup.* 109.

form of, *sup.* 160.

death of one of several before judgment, *sup.* 107.

death of one of several after judgment, *sup.* 107.

payment to one of several plaintiffs, i. 553.

in what cases plaintiff may require notice of intention to defend, on pain of judgment by default, *sup.* 3.

proceedings by, to obtain judgment in default of notice, *sup.* 4.

every person may be joined as, in whom right to relief is alleged to exist, *sup.* 90.

defendant may obtain costs in case of misjoinder of plaintiff, *sup.* 90.

may join at his option persons severally or jointly and severally liable on a contract, *sup.* 90.

executors, administrators or trustees may be sued as, without joining persons beneficially interested, *sup.* 90.

but parties beneficially interested may be added at any stage of the proceedings, *sup.* 288.

infant may sue by next friend, *sup.* 90.

married woman may sue by next friend, *sup.* 90.

or (by leave of registrar) without husband or next friend, *sup.* 90.

when numerous parties have same interest, either party may sue as, *sup.* 90.

partners may sue in name of firm, *sup.* 90.

in ejectment, all persons in whom title alleged, to be plaintiffs, *sup.* 91.

lunatic may sue by committee or next friend, *sup.* 92.

claim by joint plaintiff may be joined with separate claims, *sup.* 92.

may apply for disallowance of counter-claim, *sup.* 100.

may be ordered to give security for costs, before issue of summons, if resident out of England or Wales, *sup.* 88.

form of bond, *sup.* 295.

may be ordered to make deposit, where defendant resides twenty miles from court, *sup.* 101.

form of notice, *sup.* 186.

if deposit not made, action to be struck out, *sup.* 102.

assignment, creation, or devolution of title of, *sup.* 107.

forms of notices of change in title, *sup.* 301.

substitution or addition of, *sup.* 107.

notice to defendant of, *sup.* 107.

form of notice, *sup.* 209.

form of judgment for substituted plaintiff in ejectment, *sup.* 225.

execution for costs against, in ejectment, *sup.* 113.

**PLEADING**, actions in County Courts, free from system of, i. 463.

**PLEDGE**, things distrained originally taken as a, i. 387, n.

re-delivery of, i. 387.

action to recover things pledged, i. 830.

**PLEDGED PROPERTY** of bankrupt, account and sale of, ii. 341.

**POINTS** of law, appeal on, i. 801.

**POLLS**, challenge to the, i. 275.

**POOR**, relief granted to, by way of loan, recoverable in the County Courts, i. 53.

**POOR RATES**, replevin in case of distress for, i. 394.

- POSSESSION, justification of assault in defence of, i. 793.  
 proof of possession of goods, i. 820.  
 right to immediate, necessary in replevin, i. 398.  
     and in trover, i. 825.  
 unity of possession, effect of, on easements, i. 898.  
 taking, of property in bankruptcy, ii. 330.  
 cause of, admiralty jurisdiction in respect of, ii. 148.
- POSSESSION, warrant of, *sup.* 119.  
     form of, *sup.* 249.
- POSSESSION FEE, how charged in execution against goods, i. 340.
- POSSESSION OF TENEMENTS, proceedings to recover, i. 27, 411.  
     (1) Introductory sketch of the County Court jurisdiction, i. 411.  
     (2) Existing provisions, i. 414.  
     (3) The practice, i. 416.  
         *See* TENEMENTS.  
     form of order for recovery, *sup.* 217.  
     form of warrant for possession, *sup.* 217, 222.  
     evidence, i. 924.  
     (1) In case of a tenant holding over, i. 924.  
     (2) In case of re-entry for non-payment of rent, i. 933.
- Post, letters by, to be prepaid, i. 66.  
     payment through the, i. 549.  
     proof of, i. 557.  
     transmission of money paid into court, *sup.* 143.  
     notices and other proceedings in bankruptcy, when may be sent by,  
         i. 215.  
     post letters to bankrupt may be ordered to be delivered to trustee,  
         i. 294.  
     form of order to postmaster-general, i. 294.  
     entry of plaint by letter, *sup.* 143.
- POST-OFFICE ORDER, proof of payment by, i. 557.  
     payment out of court by, *sup.* 143.  
     on entry of plaint by letter, *sup.* 143.
- POST-OFFICE SAVINGS BANKS, payment of trust money into, under  
     County Court Acts, 1865 and 1867, ii. 19, *sup.* 127, 132.  
     form of notice of payment, *sup.* 255.  
     form of application to commissioners of treasury for, *sup.* 256.
- POSTPONEMENT of hearing, i. 279, *sup.* 146.  
     form of notice, *sup.* 297.
- POUNDAGE FEES, how to be estimated, i. 18.  
     payment of, on entry of plaint, i. 161.  
     in plaints for recovery of tenements, i. 417.  
     in ejectment, i. 424.
- POUNDAGE RATE, i. 12.
- POWER OF SALE generally inserted in mortgage, ii. 11.
- POWER of trustee in bankruptcy, ii. 282.
- POWERS and duties of judges, i. 92.  
     of inspection and discovery, i. 239, *sup.* 104.
- PRACTICE in bankruptcy, general provisions and rules relating to, ii. 210.

**PRACTICE** of the courts, power to make proceedings for regulating, i. 60.

**PRÆCIPE** in admiralty cases, to institute suit, *sup.* 135.

form of, *sup.* 261.

for hearing of suit at a special place, *sup.* 135.

form of, *sup.* 261.

to enter appearance, *sup.* 136.

form of, *sup.* 263.

for paying in money, form of, *sup.* 260.

form of, *sup.* 260.

for office copies, ii. 173, *sup.* 139.

for inspection of documents, *sup.* 139.

for warrant of execution, *sup.* 138.

form of, *sup.* 265.

**PREFERENCES**, avoidance of fraudulent, in bankruptcy, ii. 318.

**PREMATURE** action, defence of, i. 519, 535.

in action on promissory note, i. 758.

**PREPARATION** of deeds, order for, *sup.* 113.

**PRESCRIPTION**, grant of easements by, implied, i. 894.

**PRESCRIPTION ACT**, 2 & 3 Will. 4, c. 71, i. 895.

**PRESENTATION** of petition in bankruptcy, i. 241.

**PRESENTMENT** of promissory note, i. 748.

of bill of exchange, i. 774.

of cheque, i. 777.

**PRESERVATION** of particular jurisdictions and privileges, i. 54.

**PRESUMPTION** of marriage from cohabitation, i. 527.

destruction of useless documents, i. 485.

**PRICE** of goods, proof of, i. 514.

of the amount of 10*l.* under the Statute of Frauds, i. 513.

of work, i. 710.

**PRINCIPAL AND AGENT**, right and liabilities of principal on sale by or to agent, i. 596, 601.

**PRINCIPAL CHALLENGE** to jurors, i. 276.

**PRINCIPLES** of procedure, i. 57.

of law in reference to persons liable to be adjudicated bankrupt, ii. 218.

**PRIOR** act of bankruptcy, ii. 308.

**PRIORITY**, of executions, i. 322, 341.

between actual mortgagees, ii. 12.

*in bankruptcy.*

of certain debts, ii. 357.

in other cases, ii. 357.

creditors of partnership where one partner bankrupt, ii. 357.

tender of money on receipt of share of profits, ii. 358.

apprentices and artied clerks, ii. 328, 358.

**PRISON**, committal to, for contempt, *sup.* 119.

on judgment summons and order, ii. 107, *sup.* 116.

to what, commitment in bankruptcy to be, ii. 206.

- PRISONERS**, service of summons on, *sup.* 96.  
 order for attendance of, as witnesses, i. 227.  
 form of warrant, *sup.* 188.  
 certificate of payment by, *sup.* 119.  
 form of, *sup.* 803.
- PRISONS**, for the purposes of the courts, i. 81.
- PRIVILEGE** of Parliament does not avail against bankruptcy, ii. 223.
- PRIVILEGES**, particular, i. 54.  
 personal, i. 54.  
 attornies and solicitors, i. 54.  
 universities, i. 539.  
 stannaries, i. 55.  
 justices of the peace, i. 55.
- PRIVY COUNCIL**, courts established by order of, i. 2.  
 division of districts by, i. 4.  
 old courts to be holden as County Courts by order of, i. 5.  
 exclusion of local courts by order of, i. 6.
- PRIZE CAUSE**, not within County Court admiralty jurisdiction, ii. 160.
- PROBATE**, production of, to prove title of executor, i. 684, 686.  
 in ejectment, to prove devise, i. 937.  
 jurisdiction in probate cases, i. 46, ii. 190.  
 orders, rules and forms not altered by "The County Court Rules, 1875," *sup.* 81.
- PROCEDURE** of the County Courts,  
 general principles, i. 57.  
 effect of "The Judicature Act, 1873," i. 58.  
 power to make rules and forms regulating the practice and procedure of the courts, i. 60.  
 process of the court, i. 65.  
 complaint and summons, i. 65, *sup.* 88, 94.  
 time for taking proceedings, i. 66.  
 affidavits, i. 66, *sup.* 146.  
 of the employment and remuneration of advocates, i. 69.  
 right of suitors to employ advocates, i. 69.  
 extension of provisions to other proceedings than actions, i. 70.  
 attornies must sign the County Court roll, *sup.* 108.  
 notice of employment of counsel or attorney unnecessary, *sup.* 108.  
 the remuneration of counsel and attornies, i. 71, *sup.* 269.  
 security for costs and other matters, i. 75.  
 finality of proceedings, i. 76.  
 removal of proceedings, i. 77.  
 appeal, i. 77, *sup.* 7, 129.  
 record of proceedings, i. 78, *sup.* 83.  
 books, i. 78, *sup.* 83.  
 contempt of court and assaults on officers of the court, i. 79.  
 enforcement of decisions and orders of the court, i. 80, *sup.* 116.  
 order for payment of money in actions, i. 80, *sup.* 116.  
 order in nature of injunction, *sup.* 119.  
 attachment of debts, i. 81, 844, *sup.* 124.  
 removal of judgment to Superior Court, i. 81.  
 imprisonment, i. 81.  
 prisons for the purposes of the court, i. 81.  
 general provisions respecting the validity of proceedings and actions in respect thereof, i. 84.  
 recovery of penalties, i. 86.  
 control of County Courts by High Court, i. 87.

**PROCEEDINGS**, validity of, i. 84.

- not to be set aside for want of form, i. 84.
- amendment of, i. 281, *sup.* 109.
- to recover possession of tenements, i. 27, 411, 924.
- between judgment and execution, i. 299, *sup.* 116.
- to enforce judgments, i. 313, *sup.* 116.
- in County Courts, proof of, i. 487.
- finality of, i. 76.
- stay of, at law under equitable jurisdiction, ii. 22.

**PROCESS OF THE COURT**, i. 65.

- to be under seal, i. 65.
- to be served as soon as practicable, *sup.* 85.
- forgery of, i. 65.
- acting under false colour of, i. 65.
- service of, i. 114, 172, *sup.* 95.
- prohibited on Sundays, &c., *sup.* 146.
- suits to be by plaint, i. 65, *sup.* 88.
- time for taking proceedings, i. 68.
- notices, i. 66.
- computation of time, *sup.* 146.
- disposal of money, &c. received under, i. 340, *sup.* 142.
- transmission of, to and from foreign district, *sup.* 127.
- in bankruptcy*,
- service of, ii. 215.

**PROCLAMATIONS**, proof of, i. 489.**PRODUCTION** of documents in evidence, i. 471, 478, *sup.* 104.

- notice to produce, i. 228, *sup.* 104.
- form of notice, *sup.* 299.
- form of notice of application for further order, *sup.* 299.
- by witnesses, summons for, i. 225, *sup.* 5, 106.
- form of, *sup.* 159.
- order in case of non-production, *sup.* 106.
- power of court as to costs, *sup.* 106.
- non-production of, by witness not to exclude secondary evidence, *sup.* 106.
- of documents for the purpose of stamping, i. 240.
- production of negotiable instrument at the trial, i. 749, 767.
- of money on tender, i. 560.
- of deed, interlocutory application for, *sup.* 101.

**PROFITS**, participation in, partnership by, i. 613.**PROFITS** & **PRENDRE**, what rights are so called, i. 881, n.**PROHIBITION**, writ of, to the County Court, i. 216.

- in what cases granted, i. 217.
- refusal of, by one court or judge final, i. 88, 214.
- application for the writ, i. 218.
- form of affidavit, i. 219.

**PROMISE** by infant, i. 522.

- to take case out of Statute of Limitations, i. 572.
- by executor or administrator, i. 642.

**PROMISSORY NOTES**, evidence in actions on, i. 746.

- (1) Payee *v.* Maker, i. 746.

**PROMISSORY NOTES—continued.**

- proof of handwriting where the signature is attested, i. 746.
  - where note signed by agent or partner, i. 747.
  - where note made by more than one person, i. 748.
  - where the note is payable at a particular place, i. 748.
  - where proof of defendant's signature dispensed with, i. 748.
  - where note lost or destroyed, i. 749.
  - evidence for the defendant, i. 749.
    - want of jurisdiction, i. 749.
    - denial of handwriting, i. 749.
    - want of stamp, i. 750.
    - alteration of note, i. 750.
    - want of consideration, i. 750.
    - accommodation note, i. 752.
    - fraud, i. 752.
    - illegality, i. 753.
    - infancy, i. 753.
    - coverture, i. 753.
    - action brought prematurely, i. 759.
    - partnership, i. 754.
    - accord and satisfaction, delivery of another negotiable instrument, i. 754.
    - payment, i. 755.
    - payment into court, i. 755.
    - tender, i. 755.
    - Statute of Limitations, i. 756.
    - bankruptcy, i. 759.
  - (2) *Indorsee v. Maker*, evidence for the plaintiff, i. 759.
    - evidence for the defendant, i. 760.
    - Statute of Limitations, i. 761.
    - bankruptcy, i. 762.
  - (3) *Indorsee v. Indorser*, i. 762.
    - defence, i. 763.
  - form of particulars in action on, *sup.* 171.
  - payment by, i. 546.
    - by note of third person, i. 547.
  - notes may be seized under execution, i. 333.
    - how to be dealt with, i. 333.
- See* **BILLS OF EXCHANGE.**

**PROOF OF DOCUMENTS, i. 478, *sup.* 106.**

- of delivery of goods, i. 515.
- of service of summons, i. 271.
- of payment, i. 555.
- before registrar in undefended actions, i. 270.
- of claims in administration matter, *sup.* 114.
- notice to creditors to prove, *sup.* 114.
- creditors' cost of proof, ii. 124, *sup.* 114.
- of debts in bankruptcy, ii. 342.
- what debts proveable, ii. 342.
- in case of mutual credits, debts and dealings, ii. 344.
- by secured creditors, ii. 346.
- in the case of rent and payments due at stated periods, ii. 348.
- where persons injured by disclaimer of onerous property, ii. 348.
- against separate estates, ii. 349.
- rules relating to proof of debts, ii. 349.

**PROPER CUSTODY of documents, i. 479.**

- documents produced from, if genuine and not objected to, may be read without further proof, *sup.* 106.



**PROPERTY,**

- actions for taking or keeping possession of, i. 819.
- actions for injury to, i. 844.
- interlocutory order for possession, detention, or preservation of, *sup.* 101.
- where lien on, claimed, judge may make interlocutory order for deposit, on giving up, *sup.* 101.
- suits respecting agreements for the sale or purchase of, ii. 12.
- proceedings to secure the possession of, *sup.* 101.
- order for sale of, *sup.* 113.
- form of, *sup.* 242.
- claims against, in maritime cases, ii. 150.
- arrest and detention of, in admiralty causes pending proceedings, *sup.* 187.
- appraisement of, *sup.* 139.
- warrant of execution against, in admiralty causes, *sup.* 188.
- transfer of sale of, *sup.* 138.
- in bankruptcy,*
  - definition of, ii. 201.
  - effect of adjudication on, ii. 307.
  - devolution of, on trustee, ii. 274, 307.
  - power of trustee in respect to, ii. 282.
  - superintendence of, by bankrupt, ii. 293.
  - description of, divisible amongst creditors, ii. 308.
  - voluntary conveyance and transfer of, void, ii. 817.
  - fraudulent conveyance and transfer of, void, ii. 818.
  - taken in execution, ii. 322.
  - disclaimer of onerous, ii. 325.
  - defeasible property, ii. 327.
  - getting in property, ii. 330.
  - taking possession of, in general, ii. 330.
  - dealing with property of a particular kind, ii. 331.
  - stocks and shares, copyholds, choses in action, deeds and books, ii. 331.
  - delivery of securities, ii. 331.
  - sequestration, ii. 331.
  - delivery of money and securities by agents, ii. 332.
  - appropriation of pension or salary, ii. 333.
  - actions and suits in respect of, ii. 336.
  - discovery of, ii. 337.
  - seizure of, by warrant, ii. 339.
  - sale and mortgage of, ii. 340.
  - taking accounts of, mortgaged or pledged, and of the sale, ii. 341.

**PROPERTY of the courts, i. 7.**

- transferred to Commissioners of Works and Public Buildings, i. 8.

**PROSECUTION, actions for malicious, excluded from jurisdiction of County Courts, i. 26.****PROSTITUTION, contracts to carry on, void, i. 530.****PROTECTION of officers of County Courts for anything done in pursuance of acts, i. 86.**

- in executing warrants, i. 320.
- not to be deemed trespassers by reason of irregularity, i. 320.
- protection in proceedings for recovery of tenements, i. 421.
- in bankruptcy, i. 590.
- of certain transactions with bankrupt, i. 922, ii. 320.

PUBLIC DOCUMENTS, proof of, i. 486.

PUBLIC HEALTH ACT, 1875, *sup.* 22.

demands below 50*l.* may be recovered by local authority in County Court, *sup.* 22.

PUBLICATION of orders in council, i. 4, n.  
of adjudication in bankruptcy, ii. 260.

PUFFING, effect of, on contracts of sale, ii. 15.  
at auctions, ii. 15, n.

PUNISHMENT of fraudulent debtors, i. 372, ii. 416.

PURCHASE of property, suits relating to, i. 45, ii. 12.

PURCHASE-MONEY, application to enforce deposit or payment into court of, *sup.* 101.

PURCHASER, action against, for not accepting goods, i. 658.  
by, for non-delivery, i. 660.

PURSUANCE OF STATUTE, acting in, i. 150.

#### Q.

QUALIFICATION of judges of the County Courts, i. 80.  
of deputy judges, i. 98.  
of registrars, i. 106.  
of deputy registrars, i. 110.  
of jurors, i. 273.

QUALIFIED ACCEPTANCE, of bill of exchange, i. 767.

QUANTUM of costs in actions in the superior courts, i. 127.

QUANTUM MERUIT, when plaintiff entitled to sue on, i. 705.

QUESTIONS OF TITLE, decision of, i. 34, 267, *sup.* 147.

QUIT, notice to or by tenant, to quit, i. 926.  
under "The Agricultural Holdings Act, 1875," *sup.* 48.

QUORUM, to constitute meeting in bankruptcy, ii. 270.  
to constitute meeting of committee of inspection, ii. 275, 277.

#### R.

RAILWAY COMPANY, where deemed to dwell and carry on business, i. 141.  
cause of action against, where arises, i. 142, n.  
service of summons of, i. 176, *sup.* 96.  
liability of, as carriers of goods, i. 868.  
damages, i. 874.  
effect of Carriers Act, i. 867.  
Railway and Canal Traffic Act, i. 871.  
beyond limits of the line, i. 865.  
for delay in forwarding, i. 874.  
liability as carriers of passengers, i. 804, 807.  
not as insurers, i. 808.  
only for negligence, i. 808.  
evidence of negligence, i. 808, n.

RAILWAY COMPANY—*continued*.

- carrying beyond limits of line, i. 808, 867.
- effect of act giving right of action to representatives of persons killed, i. 807.
- not liable to the master of a servant unless contracting with the master, i. 809.
- liability as carriers of passenger's luggage, i. 859.
  - what constitutes personal luggage, i. 861.
  - liability for goods left in luggage office, i. 862.
  - for delay in arrival of trains, i. 809, n.
- liability as carriers of horses and cattle and other animals, i. 863, 871.
- general liability in giving passengers into custody, i. 797, n.
- liability to its own servants for negligence of other servants, 805, 811.
  - for defective fences, i. 853.
  - structures, i. 806, 807, 818.
  - for negligence of contractors, i. 802, n.
  - for accidents to persons crossing the line, i. 809, n.
  - at sea, i. 867.

RAILWAY AND CANAL ACT, provisions of, i. 871.

RAILWAY TOLLS, when a question of title to toll, i. 38, 41.

RATES, under local act, may be recovered in County Court, i. 29.  
 replevin lies on distress for, i. 394.

REAL ESTATE, suits for administration of, i. 45, ii. 6.  
 form of plaint for specific performance of agreement for sale of, *sup.* 175.  
 certificate of registrar as to, *sup.* 115.  
 order for sale of, *sup.* 113.  
 form of order, *sup.* 242.  
 limit of jurisdiction in probate cases in respect of, ii. 190.

RECEIPTS, proof of payment by, i. 555.  
 stamp on, i. 556.  
 warranty contained in, i. 674.  
 of trust money, form of acknowledgment of, *sup.* 255.  
 for money levied, form of, *sup.* 808.

RECEIVER, appointment of, *sup.* 101.  
 interlocutory order for, *sup.* 101.  
 may be appointed though not asked for *sup.* 102.  
 form of order, *sup.* 297.  
 duties of, *sup.* 87.  
 bond to be given by, *sup.* 87.  
 form of bond, *sup.* 248.  
 audit of accounts, *sup.* 87.  
 form of notice, *sup.* 295.  
 court may direct payments to parties without payment into court, *sup.* 88.  
 form of order to pay, *sup.* 295.  
 petition for appointment of, under Local Loans Act, 1875, *sup.* 292.  
*in bankruptcy*,  
 appointment of, ii. 251.  
 costs of, on dismissal of petition, ii. 262.

RECORD, County Court a court of, i. 3.  
 general power to judges of, to commit *sedente curia*, i. 80.

- RECORD of proceedings, i. 78.  
in bankruptcy, ii. 207.
- RECORDS, proof of, i. 486.  
of admiralty suits, inspection of, *sup.* 139.
- RECTIFICATION of register of nominal securities under Local Loans Act, 1875, petition for, *sup.* 292.
- REDEMPTION of mortgaged, &c. property, i. 45, 939, ii. 10.  
form of particulars in action for, *sup.* 175.
- RE-ENTRY for non-payment of rent, i. 414.  
evidence, i. 983.
- REFEREE, appointment of, under "The Agricultural Holdings Act, 1875," *sup.* 42.
- REFERENCE, order for, to registrar, in foreclosure suit by legal mortgagee, ii. 80.  
form of order, *sup.* 243.  
to take accounts or make inquiries, *sup.* 113.  
to arbitration, i. 237, *sup.* 124.  
form of order, *sup.* 215.  
under "The Agricultural Holdings Act, 1875," *sup.* 42.  
appeal against, *sup.* 42.  
enforcement of, *sup.* 45.
- REFORMING agreement, suits for, ii. 13.
- REFRESHING the memory of witnesses, i. 494.
- REGISTER of marriage, proof of, i. 526.  
of qualified medical practitioners, i. 720.
- REGISTERED JOINT STOCK COMPANIES, contracts by, i. 609.
- REGISTRAR, office of, i. 105.  
qualification of, i. 106.  
appointment of, i. 106.  
not to act as attorney, i. 106.  
office to be kept by, i. 11.  
to be made defendant in actions against bailiff, &c., i. 85.  
duties of, i. 107, *sup.* 83.  
to keep books, &c., *sup.* 83, 287.  
forms of books, *sup.* 312.  
to issue summonses and warrants, i. 172, *sup.* 83.  
to annex sealed particulars when necessary, *sup.* 84.  
to transmit summonses for service in foreign district, *sup.* 83.  
to send notices of discontinuance, disclaimer, &c., *sup.* 103.  
to send notice of change in title, *sup.* 107.  
forms of notice, *sup.* 301.  
to enter orders of adjournment or for costs and all judgments for debt or damages, *sup.* 111.  
to seal and file special judgments and orders in nature of decrees, *sup.* 112.  
to prepare orders directed to be served, *sup.* 112.  
to give notice to plaintiff of payment of instalments, *sup.* 112.  
to file order remitting action, *sup.* 120.  
to adjourn the court on death or unavoidable absence of the judge, i. 11.  
remuneration of, i. 15, 108.

**REGISTRAR—continued.**

- insults to, i. 79.
  - fees of, *sup.* 278.
  - fees of, under Companies Act, *sup.* 281.
    - in admiralty actions, *sup.* 282.
  - audit of accounts of, i. 23.
  - deputy, appointment and qualification of, i. 110, *sup.* 83.
  - in city of London, i. 111, n.
  - death or removal of, i. 110.
  - instructions to, on entering plaint, i. 153, *sup.* 88.
  - proof before, in actions founded on contract, i. 270.
  - duty and liability of, in replevin, on approval of sureties, i. 400, n.
  - appointment of high bailiff as, to vacate former office, *sup.* 9.
  - payment to, for copies of documents, *sup.* 143.
  - reference to, to take accounts or to make inquiries, *sup.* 113.
  - form of summons on taking accounts, *sup.* 303.
  - to have powers of chief clerk in Chancery Division, *sup.* 113.
  - to give notice of allowance or disallowance of claim, *sup.* 114.
  - to issue notices to absent parties, *sup.* 115.
  - rejection of affidavit by, *sup.* 84.
    - form of notice of rejection, *sup.* 294.
  - certificate of, on matter referred to him, *sup.* 115.
    - form of certificate, *sup.* 246.
    - notice of inspection of certificate, *sup.* 115.
  - confirmation or variation of certificate, *sup.* 115.
  - to seal and issue process of execution, ii. 102.
  - to indorse warrants of execution, *sup.* 106.
  - powers and duties of, in respect of funds in court, *sup.* 127.
  - fees of, in winding-up societies, *sup.* 281.
  - to settle draft orders, *sup.* 101.
  - to seal and file orders, *sup.* 101.
  - to order deposit by plaintiff when defendant resides over twenty miles from court, *sup.* 101.
  - to take depositions of persons ordered to weigh, measure, or survey property, *sup.* 102.
  - to make orders for inspection of documents, *sup.* 104.
  - to make orders for interrogatories, *sup.* 105.
  - to transcribe and file depositions of witnesses examined under rules or under sect. 53 of Common Law Procedure Act, 1854, *sup.* 106.
  - to seal all processes served by solicitors, *sup.* 144.
- in bankruptcy,*
- delegation of bankruptcy powers to, ii. 204.
  - first trustee before appointment of creditors' trustee, ii. 307.
  - certificate that registrar trustee, ii. 260.
  - not required to give security, ii. 276, n.
  - travelling expenses of, ii. 264.

**REGISTRATION, of bonds in Common Pleas, i. 76.**

- of companies, i. 609.
- of medical practitioners, i. 720, 722.
- of bills of sale, i. 914, 915.
- of mortgage deeds, ii. 12, n.
- of shares, plaints to secure, ii. 47.
- of decrees, ii. 84.
  - and orders in admiralty causes, ii. 178.

**REGISTRY of judgments, i. 78.**

- of City of London Court, i. 117.

**RE-ISSUING warrants of execution and commitment, i. 316.**

- REJECTION** of affidavit by registrar, *sup.* 84.  
form of notice, *sup.* 294.
- "RELATION BACK,"** doctrine of, in bankruptcy, ii. 308.
- RELEASE**, of demand, defence of, i. 585.  
by and to whom granted, i. 586.  
proof of, i. 587.  
effect of unsuccessfully setting up a, by executor or administrator, i. 288.  
of property arrested in admiralty suit, ii. 170, *sup.* 137.  
form of order, *sup.* 263.  
of trustee in bankruptcy, ii. 365.
- RELIEF** to poor on loan, recoverable in County Court, i. 53.
- REMITTING** actions to the County Courts, i. 43, 45, *sup.* 120.  
action to proceed as if it were an ordinary County Court action, *sup.* 120.  
form of particulars in action of contract, *sup.* 179.  
tort, *sup.* 180.
- REMOVAL** of complaints under a certain amount prohibited, i. 77.  
if above, then on terms, i. 77.  
by certiorari, i. 211.  
in replevin, i. 391.  
of judgments into the High Court, i. 81, 319.  
of actions to High Court, costs of, i. 139.  
of trustee in bankruptcy, ii. 277.  
of trustee of friendly society, ii. 131.
- REMUNERATION**, of counsel and attorneys, i. 69, *sup.* 269, 291.  
special agreement for, of attorneys and solicitors, i. 707.  
of high bailiffs, i. 113, *sup.* 280.  
of assessors under "The County Courts Act, 1875," *sup.* 6.  
of persons performing duties under "The County Courts Act, 1875," *sup.* 8.  
of returning officers, *sup.* 35.
- RENT**, effect of bankruptcy on, ii. 329.  
proof in the case of, ii. 348.  
and "use and occupation," action for, i. 684.  
may be joined with action of ejectment without leave, *sup.* 92.  
evidence for the plaintiff, i. 685.  
where there is a lease, i. 685.  
where there is no lease, i. 686.  
proof of contract, express or implied, i. 686.  
occupation by corporate bodies, i. 689.  
occupation under corporate bodies, i. 689.  
occupation of the premises by the defendant, i. 689.  
proof that the premises are held under the plaintiff, i. 691.  
amount of rent, i. 692.  
apportionment of rent, i. 692.  
evidence for the defendant, i. 692.  
denial of plaintiff's title, i. 692.  
plaintiff's title expired, i. 693.  
plaintiff's non-performance of condition precedent, i. 694.  
defendant's occupation determined, i. 695.  
surrender of the premises by acceptance of a new tenant, i. 626.  
eviction, i. 696.  
defendant treated by the plaintiff as a trespasser, i. 697.

**RENT—continued.**evidence for the defendant—*continued.*

distress, i. 697.

illegality, i. 698.

payment, i. 698.

set-off, i. 698.

tender, i. 699.

Statute of Limitations, i. 699.

amount of rent determining jurisdiction in ejectment, i. 940.

defence of distress for, in actions of trespass, i. 823.

action of replevin in case of distress for rent, i. 27, 387, 390, *sup.* 123.trial and judgment in replevin in case of distress for, i. 406, *sup.* 123.evidence, i. 904, *sup.* 123.

proof of rent in arrear, i. 906.

what things may be distrained, i. 906.

forms of judgment, *sup.* 233.

claims for, on execution against goods, i. 341, 911.

interpleader summons to claimant, *sup.* 121.form of, *sup.* 199.

question of title in action for, i. 34.

claim for, in proceedings to recover possession, i. 414, 933.

re-entry for non-payment of, i. 414, 933.

**RENT AND PROFITS** account, certificate of registrar as to, *sup.* 115.**RENT-CHARGE**, replevin lies in case of distress for, i. 394, n.**REPLEVIN,**

- (1) Introductory sketch of County Court jurisdiction in replevin, i. 387.

proceedings before "The County Courts Act, 1846," i. 387.

mode of proceeding under that act, i. 388.

confined to distress for rent and damage feasant, i. 27.

removal of plaints into a Superior Court, i. 388.

recommendations of County Court commissioners, i. 389.

- (2) Existing provisions and rules, *sup.* 123.

provisions of "The County Courts Acts, 1846 and 1856," i. 390, 392.

"The Common Law Procedure Act, 1860," i. 392.

- (3) In what cases replevin lies, i. 393.

wrongful distress, i. 393.

not confined to distress for rent or damage feasant, i. 394.

extended to other distrains under process of law, i. 394.

examples, i. 394.

generally replevin lies where goods improperly taken under the warrant of a justice, i. 395.

further extension to cases where no distress, i. 396.

does not lie on goods taken in execution by process of the High Court, i. 397.

what things are the subject of replevin, i. 397.

choice of remedies, i. 397.

who can maintain the action, i. 398.

against whom, i. 399.

- (4) Proceedings preliminary to commencement of action, i. 399.

mode of replevying, i. 387, 399.

form of notice to distrainor, *sup.* 231.bond for bringing action in High Court, *sup.* 232.bond for bringing action in the County Court, *sup.* 232.

REPLEVIN—*continued*.

- (4) Proceedings preliminary to commencement of action—*continued*.
    - deposit instead of bond, i. 403.
    - form of warrant to replevy, *sup*. 233.
    - fees on replevying, *sup*. 277.
  - (5) Proceedings in the action of replevin, i. 405.
    - commencement of action, i. 42, 50, 405.
    - in the High Court, i. 405.
    - in the County Courts, i. 405.
    - not to be joined with other cause of action, *sup*. 123.
    - particulars, i. 405, *sup*. 123.
    - payment into court, i. 405.
    - removal by certiorari, i. 405.
    - the trial, i. 406, *sup*. 123.
      - may be by jury, i. 224, 406, *sup*. 108.
    - judgment for the plaintiff in replevin, i. 407.
    - judgment for the defendant where the distress is for rent.
      - i. 407, *sup*. 123.
      - form of judgment, *sup*. 233.
    - judgment for the defendant where distress for damage feasant, i. 407, *sup*. 123.
      - form of judgment, *sup*. 233.
    - judgment for defendant in other cases, i. 408, *sup*. 124.
    - nonsuit, i. 408.
    - enforcement of judgment, i. 409.
    - appeal, i. 302, 409.
  - (6) Action on the replevin bond, i. 410.
    - damages in action on the bond, i. 410.
    - stay of proceedings in action on the bond, i. 410.
- Evidence in actions of replevin, i. 904.
- (1) Distress for rent, i. 904.
    - proof of tenancy, i. 905.
    - rent in arrear, i. 906.
    - authority to distrain, i. 906.
    - evidence for the plaintiff in reply, i. 907.
      - denial of defendant's title, i. 907.
      - no rent due, i. 907.
      - previous distress by the defendant, i. 908.
      - tender of rent due, i. 908.
      - eviction, i. 908.
      - damages, i. 407, 408.
  - (2) Damage feasant, i. 908.
    - abuse of distress, i. 824.
    - evidence for the plaintiff in reply, i. 910.
    - tender of amends, i. 910.
    - damages, i. 407.

REPORT of proceedings at meeting of creditors in bankruptcy, ii. 270.  
 form of report, ii. 272.  
 of trustee for closing bankruptcy, ii. 359.

REPORTER'S NOTES of evidence of witnesses in admiralty causes, ii. 176.

REPRESENTATION of creditors in bankruptcy, ii. 212.

REPRESENTATIVE CHARACTER of parties should appear on summons or  
 plaint, i. 154; ii. 31.  
 effect of denial of, by defendant executor or administrator, *sup*. 126.  
 amendment, where parties sue or are sued in, *sup*. 110.



- REPRESENTATIVES, continuance of actions by, i. 236, *sup.* 107.
- REPUTATION, presumption of marriage by, i. 527.
- REPUTED OWNERSHIP, confers no right to seize in execution, i. 834.  
by bankrupt of goods and chattels, ii. 210.
- RESCUE of goods, fine for, i. 79, 342.
- RESIDENCE of defendant, in general, determines the district in which the suit is to be commenced, i. 141.  
to be supplied to the registrar, i. 153, *sup.* 88.  
defence that defendant not resident, &c., i. 538.
- RESOLUTIONS, of creditors in bankruptcy for liquidation by arrangement, i. 598, ii. 373, 376.  
by composition, ii. 378.  
forms, ii. 396.
- RESPONDENT, on appeal, costs of, i. 311.  
effect of death of, i. 312.
- RESTRAINT of actions and legal process after presentation of petition in bankruptcy, ii. 249.
- RETAINER, of assets, by executor, i. 641.  
proof of, in action by solicitor, i. 723.
- RETAINING GOODS wrongfully, action for, i. 824.
- RETIREMENT from partnership, proof of, i. 619.
- RETIRING PENSIONS of judges, i. 98.
- RETURN of goods, defence of, in action for their detention, i. 683.  
contracts of sale or return, i. 506.  
judgment for, in replevin, i. 393.  
of warrants of execution, i. 314, 316, *sup.* 127.  
form of, *sup.* 305.
- RETURN DAY, of summons, i. 170, ii. 94.  
meaning of, *sup.* 82.
- RETURNING OFFICERS, payment of, under "The Parliamentary Elections Act, 1875," *sup.* 35.  
taxation of charges of, by County Court, *sup.* 35.  
fees to, under act, *sup.* 283.
- RETURNS, how to be made to comptroller in bankruptcy, ii. 286.
- REVENUE, for the maintenance of the courts, i. 12.
- REVERSIONARY INTERESTS, contracts respecting, cannot be set aside on the ground of undervalue, ii. 16.
- REVIVAL of judgments in the nature of scire facias, *sup.* 107.  
plaint and summons to issue before execution, *sup.* 107.  
by or against executors or administrators, *sup.* 108.  
death of one of several plaintiffs or defendants after judgment, *sup.* 107.

- REVIVOR AND SUPPLEMENT of suit on abatement, ii. 160.  
order of revivor, ii. 101.
- REVOCATION of probate and administration, i. 46, ii. 190.
- ROAD, rule of, in driving, i. 847.
- ROADS, recovery of penalties on waywardens for contracting for repair of,  
i. 54.
- ROLL of County Court must be signed by solicitors, *sup.* 108.
- ROLLS OF A MANOR, compelling production of, i. 240.
- RULE, instead of mandamus to judge or officer, i. 87.
- RULES for regulating the practice and procedure of the courts, power to  
make, i. 60.  
made by County Court judges appointed by the Chancellor, i. 63.  
must be confined to practice and forms, i. 111, n.  
for auditing accounts, i. 23.  
in probate cases, i. 192.  
relating to companies and winding up, i. 139.  
in bankruptcy, i. 206.
- RULES relating to orders of commitment under "The Debtors Act, 1869,"  
i. 357, *sup.* 116.  
Debtors Act Rules, January, 1870, i. 357.  
Debtors Act Rules, May, 1870, i. 361.
- RULES made under Judicature Act, i. 64, n.  
under "The County Courts Act, 1875," *sup.* 81.
- RULES of friendly societies, proof of, ii. 135.

## S.

- SALARY, of judges, i. 95.  
registrar, i. 15, 108.  
high bailiffs, i. 15, 113.  
treasurer, i. 105.  
bankrupt, appropriation of, i. 233.
- SALE OF FOOD AND DRUGS ACT, 1875, *sup.* 33.
- SALE of goods, contracts for the, i. 502.  
or return, contracts of, i. 506.  
of goods taken in execution, i. 336.  
regulations for, i. 336, *sup.* 87.  
appraisement, *sup.* 142.  
security, *sup.* 87.  
in case of claims for rent, i. 341.  
of property, actions on agreements for, i. 45.  
of real property, order for, *sup.* 113.  
form of order, *sup.* 242.  
of personal property, order for, *sup.* 113.  
form of order, *sup.* 242.
- SALE of property, jurisdiction of County Courts respecting agreements for,  
ii. 12.  
form of plaint for specific performance of, *sup.* 175.

SALE of property, &c.—*continued.*

- order for, *sup.* 113.
- forms of order, *sup.* 243.
- sale instead of foreclosure of mortgaged property, i. 11.
- power of, generally inserted in mortgages, i. 11.
- sale may be directed in a suit for partition, i. 17.
- by auction, employment of puffers at, i. 15.
- transfer of sale of vessel or property under execution in admiralty suit, *sup.* 138.
- form of order, *sup.* 266.
- sale of bankrupt's property, ii. 340.

## SALVAGE, admiralty jurisdiction in respect of, ii. 148.

- county court jurisdiction in, i. 46, 53, ii. 151, 160.
- arrest and release of property in salvage cases, ii. 170, *sup.* 137.
- apportionment of, ii. 176.
- form of particulars in action for, *sup.* 176.

SAMPLES of goods, interlocutory application to take, *sup.* 101.SATURDAY, County Court offices to be closed at 2 p.m. when not a market day, *sup.* 82.SCALE OF COSTS in County Courts, *sup.* 269; amended, 291.

- under "The County Courts Act, 1875," *sup.* 8.
- under "The Agricultural Holdings Act, 1875," *sup.* 43.
- in Admiralty actions *in rem.*, *sup.* 291.
- in High Court, i. 456.
- where counter-claim is made, *sup.* 143.

SCALE OF FEES, *sup.* 275.

- in Superior Courts, i. 460.

## SCIENTER, proof of, in action against owner of dangerous animals, i. 813.

- not necessary in case of damage to cattle by dogs, i. 849.

## SCIENTIFIC institutions, jurisdiction of County Courts in relation to, i. 44, ii. 2, 129.

SCIRE FACIAS, revival of judgments in the nature of, *sup.* 107.

- proceedings in nature of, may be tried by a jury, *sup.* 108.
- form of summons, *sup.* 210.
- in ejectment, *sup.* 227.
- form of judgment, *sup.* 210.

## SCOTLAND, orders in bankruptcy, how far enforceable in, ii. 204.

- Bankruptcy Act does not apply to, unless expressly provided, ii. 201, n., 204, n.

## SEA, definition of, for purpose of admiralty jurisdiction, ii. 146, n.

## SEAL, of the court to be made, i. 65.

- process to be under, i. 65, *sup.* 146.
- forgery of, i. 65.
- in admiralty cases, ii. 165.
- in bankruptcy, ii. 207.

SEARCHES for payments, *sup.* 84.

## SEARCH WARRANT in bankruptcy, ii. 239.

- addressed to high bailiff, ii. 215.
- form of, ii. 339.

- SEAWORTHINESS OF VESSELS, jurisdiction of County Courts on appeals as to, ii. 189.
- SECONDARY EVIDENCE, i. 484.  
not excluded where witness does not produce documents, *sup.* 106.
- SECOND MORTGAGEE, rights of, ii. 11.
- SECOND SUITS in admiralty cases, ii. 169.
- SECURED CREDITOR, definition of, ii. 265.  
proof by, ii. 346.
- SECURED DEBT, not sufficient for petition, unless security given up, ii. 224.
- SECURITIES, delivery of into court in equity, ii. 19, 53, *sup.* 131.  
certificate of deposit of, ii. 58, *sup.* 132.  
form of, *sup.* 255.  
delivery of, to trustee in bankruptcy, ii. 332.  
for money, actions on, i. 746.  
may be seized in execution, i. 333.  
how to be dealt with, i. 333.
- SECURITY, mode of giving when required, i. 75, 233, *sup.* 131.  
on transfer of admiralty suits, ii. 167, *sup.* 138.  
in bankruptcy, ii. 214.  
no officer of court to become surety, i. 104, *sup.* 131.  
deposit of money in lieu of, i. 76, 234, *sup.* 131.  
entering up satisfaction of bonds, i. 76.  
power to order security for performance of contract under "The Employers and Workmen Act, 1875," *sup.* 37.  
notice of sureties, *sup.* 131.  
affidavit of sufficiency, *sup.* 131.  
execution and deposit of the bond, *sup.* 131.  
rules relating to, *sup.* 131.  
notice to obligee of time of execution, *sup.* 131.  
form of notice, *sup.* 305.  
interlocutory order for, for money in possession, *sup.* 101.  
for costs, staying proceedings until, under Bills of Exchange Act, i. 208.  
in actions of tort, i. 43.  
where plaintiff does not reside in England, *sup.* 88.  
form of bond, *sup.* 295.  
where plaintiff an infant, *sup.* 90.  
on appeal, i. 301, 307.  
forms, *sup.* 206.  
in replevin, i. 392, 400, 403.  
forms, *sup.* 233.  
on transfer of sale of vessel to High Court, *sup.* 138.  
by defendant on objection to jurisdiction, i. 42, 220.  
form of, *sup.* 189.  
by plaintiff in action of tort in Superior Court, i. 448.  
defence of security given for debt, i. 588.  
where petitioning creditor's debt secured, security must be given up, ii. 224, 331.  
right of creditor to realise, ii. 815.  
agent to deliver up to trustee, ii. 332.
- SEDUCTION, actions for, excluded from the original jurisdiction of the County Courts, i. 26.  
may be remitted to County Court, i. 43, 448.  
statement of cause of action, i. 451.

- SEISIN, evidence of, in ejectment, i. 937.
- SEIZURE, of goods under warrants of execution, i. 333.  
     of property of bankrupt, ii. 339.  
     form of warrant, ii. 340.
- SEPARATE ESTATES in bankruptcy, proof against, ii. 349.
- SEPARATE PROPERTY of married women, questions as to, ii. 21.
- SEPARATION of husband and wife, liability of husband after, i. 625.
- SEPTEMBER, court need not be held in, i. 10.
- SEQUESTRATION, on bankruptcy of beneficed clergyman, ii. 331.
- SERVANT, action for goods supplied to, i. 600.  
     warranty by, i. 673.  
     action for wages by, i. 712.  
     actions by infants for work as, i. 152.  
     action for wrongful dismissal, i. 716.  
     agreement for hire of, exempted from stamp duty, i. 713.  
     discharge of, for misconduct, i. 717.  
     right of action by, against master for negligence, i. 803.  
     liability of master for servant's negligence, i. 801.  
     master not liable for wilful acts of, i. 801.  
     liability of, to master for gross neglect, i. 856.
- SERVICE of the summons, in general, i. 172, 271, *sup.* 95.  
     may be by solicitor or clerk, *sup.* 89.  
     must be within six months, *sup.* 97.  
     may be wherever defendant is met, *sup.* 97.  
     mode of, of an ordinary summons, *sup.* 95.  
         in general, *sup.* 95.  
         should be personal, if practicable, i. 177, *sup.* 93.  
         on an infant, *sup.* 95.  
         on a lunatic, *sup.* 95.  
         on partners, *sup.* 96.  
         on board a ship, *sup.* 96.  
         on soldiers in barracks, *sup.* 96.  
         on prisoners, *sup.* 96.  
         on miners, *sup.* 96.  
         on persons employed in public asylums or gaols, *sup.* 96.  
         on railway companies and corporations, *sup.* 96.  
         where the defendant keeps his house, &c. closed, *sup.* 96.  
         where personal service is prevented by violence or threats, *sup.* 96.  
         where defendant is out of England, *sup.* 147.  
     on Sundays, &c., i. 177, *sup.* 146.  
     on the boundaries of districts, i. 177.  
     endorsement by bailiff, *sup.* 5.  
     time of service, *sup.* 95.  
     in a foreign district, i. 172, *sup.* 95.  
     doubtful service, *sup.* 83.  
     duty of the bailiff of the home district on service or failure, *sup.* 85.  
     duty of the bailiff of a foreign district on service or failure, *sup.* 86.  
     on one of several defendants jointly liable, i. 180.  
     if summons came to defendant's knowledge less than ten days before  
         return day, hearing to be adjourned, *sup.* 97.  
     successive summonses where the service has not been effected, i. 180,  
         *sup.* 94.  
     service of successive summonses to save Statutes of Limitation, i. 180.  
     of default summons under "The County Courts Act, 1875," *sup.* 3.  
     may be by solicitor or his clerk, *sup.* 89.

**SERVICE—continued.**

form of notice by solicitor, *sup.* 296.

must be by bailiff of district where defendant resides if not otherwise ordered, *sup.* 97.

form of letter to accompany summons for service in foreign district, *sup.* 293.

must be within six months, *sup.* 97.

may be wherever defendant is met, *sup.* 97.

to be served by bailiff of district where defendant resides, unless otherwise ordered, *sup.* 97.

personal service under the Bills of Exchange Act, i. 189, 191.

effect of mistake or irregularity in service, i. 192.

where the wrong person has been served, i. 192.

where the service is irregular, i. 193.

if summons came to defendant's knowledge less than ten clear days before return day, hearing may be adjourned, *sup.* 97.

service of document or proceeding on solicitor is service on party, *sup.* 144.

of writ of certiorari, i. 216.

of summons to witness, i. 226, *sup.* 5, 106.

may be by party or his solicitor, *sup.* 106.

form of affidavit of service, *sup.* 300.

must be in reasonable time before return day, *sup.* 106.

of notice of appeal, *sup.* 129.

of notice of application for new trial, *sup.* 129.

of judgment summons, i. 357, *sup.* 116.

of interpleader summons, *sup.* 121.

of summons for the recovery of tenements, i. 415.

of summons in ejectment, i. 425.

of notice to quit, i. 928.

of garnishee summons, must be personal, *sup.* 125.

except in case of a firm, company or corporation, *sup.* 290.

of notice on absent parties, ii. 88, *sup.* 115.

of copy of order, necessary before enforcing it, *sup.* 119.

of order in the nature of injunction, *sup.* 119.

*of process in bankruptcy*, ii. 215.

of orders to show cause and of notices of motion, ii. 212.

arrests and commitments, ii. 215.

notice of application for committal for contempt, ii. 216.

service of debtor's summons, ii. 235.

of petition in bankruptcy, ii. 216.

affidavit of service, ii. 217.

substituted service, ii. 247.

**SERVICES, action for personal, i. 700.**

allowance to bankrupt for, ii. 294.

**SET-OFF, jurisdiction of County Court for balance after admitted, i. 28.**

defence of, i. 365.

need not sound in damages, *sup.* 288.

to what claims applicable, i. 566.

nature of the debt set off, i. 566.

claims must be mutual, i. 567.

set-off by one of several persons jointly answerable, i. 538.

particulars and notice of, i. 569, *sup.* 288.

form of, *sup.* 183.

evidence for the plaintiff in reply, i. 570.

in actions for goods supplied by agent, i. 598.

by and against executors and administrators, i. 634, 639.

in action by trustees of bankrupts, i. 644.

**SET-OFF—continued.**

- in action for rent, i. 698.
- in action for wages, i. 719.
- in action on bill of exchange, i. 773.
- to summons for judgment by default, i. 206.
- power to order set-off, in proceedings under "The Employers and Workmen Act, 1875," *sup.* 37.
- in claims for compensation under "The Agricultural Holdings Act, 1875," *sup.* 41.
- defendant may have judgment for balance of, *sup.* 109.
- in bankruptcy, ii. 344.

**SETTING ASIDE AGREEMENTS** between solicitor and client, ii. 140.

**SETTING ASIDE JUDGMENT,**

- on summons under the Bills of Exchange Act, i. 208.
- when given in the defendant's absence, i. 270, 300.

**SETTING ASIDE PART** of bankrupt's income, ii. 333.

**SETTLEMENT**, under will, validity of any limitation under, excluded from the jurisdiction of the County Court, i. 26, 41.

- avoidance of voluntary, i. 921.
- of action, by agreement, i. 198.
- of bankruptcy, by assent to scheme of arrangement, ii. 297.
- definition of, ii. 317.
- avoidance of voluntary, in bankruptcy, ii. 317.

**SEVERAL** defendants, proceedings against, i. 155.

- service on one of, i. 180.
- plaintiffs or defendants, effect of death of one or more of, before judgment, *sup.* 107.
- after judgment, *sup.* 107.

**SEVERANCE**, implied grant of easement on, i. 890.

- easement of necessity upon, i. 893.

**SEWERS RATE**, replevin lies in case of distress for, i. 394.

**SHARE**, distributive, under intestacy, i. 27, 786.

**SHAREHOLDERS**, liability of, in mining adventures, i. 606.

**SHARES**, plaints to secure registration of, ii. 47.

- dealing with, in bankruptcy, ii. 331.

**SHEEP**, liability of owner of dog for injury to, i. 849.

- liability of owner of diseased sheep for contamination, i. 850.

**SHERIFF**, liability of, to action for false imprisonment, i. 798.

- liability of high bailiff same as that of sheriff, i. 327, n.
- powers and responsibilities of, with regard to replevin, taken away, i. 391.

**SHERIFF'S Court** of London, jurisdiction of, i. 115. *See* CITY OF LONDON COURT.

- converted into a County Court, i. 6.

**SHIPOWNER**, non-liability of, on contract of master, i. 603.

**SHIPPING.** *See* MERCHANT SHIPPING ACTS.

- SHIPS, arrest of, under the Shipping Act, i. 49, n.  
 claims for salvage, i. 46, n., 53.  
 admiralty jurisdiction over, ii. 148.  
 County Court jurisdiction, ii. 160.  
 as to seaworthiness of, ii. 189.  
 service of summons on board, *sup.* 96.  
 service of summons on person in charge of, *sup.* 136. *See* VESSEL.
- SHOPMAN, payment of debt to, i. 550.
- SHOREDITCH, a Metropolitan County Court, i. 116.  
 issue of summons in, i. 146.
- SHORTHAND-WRITERS' NOTES, in admiralty causes, ii. 176.
- SICKNESS, suspension of execution in case of, i. 80, 315.
- SIGNATURE of contract under Statute of Frauds, i. 651.  
 of promissory notes, i. 746.  
 of case on appeal, *sup.* 130.
- SITTINGS of the court, *sup.* 82.  
 notice of, *sup.* 82.  
 in admiralty, i. 173.  
 in bankruptcy, ii. 211.  
 in chambers, ii. 211.
- SKILL, defence of want of, to action by surgeon, &c., i. 722.  
 injuries to property from want of, i. 846.
- SLANDER, actions for, excluded from the jurisdiction of the County Courts,  
 i. 26.  
 may be remitted to County Court, i. 43, 448.  
 costs in, in the Superior Courts, i. 119.  
 certificate for costs in, i. 121, 128.  
 interrogatories in, i. 254.  
 statement of cause of action, i. 451.  
 notice of defence of apology in, *sup.* 99.  
 of truth of slander, *sup.* 99.  
 forms of notice, *sup.* 184.
- SMALL TENEMENTS, jurisdiction for the recovery of, i. 27.
- SOCIETIES, jurisdiction in friendly and other, i. 44, ii. 130, *sup.* 149.  
 in industrial and provident, i. 44, *sup.* 149.  
 in winding-up, i. 46, ii. 138.
- SOIL, natural rights to, i. 881, 883.  
 easements in respect of, i. 885.
- SOLDIERS in barracks, service of summons on, *sup.* 96.
- SOLICITOR, scale of costs to, *sup.* 269; amended, 291.  
 no privilege allowed to, i. 54.  
 penalty for wilfully and falsely pretending to act as, *sup.* 20.  
 right of suitor to assistance of, i. 69.  
 evidence in action by, for bill, i. 723.  
 retainer, i. 723.  
 special agreement, i. 723.  
 proof that business was done, i. 723.  
 delivery of bill, i. 723.  
 liability of, to action for false imprisonment, i. 798.  
 qualification for registrar, i. 106.  
 registrar, bailiff, &c. not to act as, i. 106, 112, 269.  
 and client, enforcing or setting aside agreements between, ii. 140.



**SOLICITOR—continued.**

- costs of, in probate cases, ii. 198.
- appearance by, in bankruptcy, against trustee, ii. 211.
- costs of, in bankruptcy, to be taxed, ii. 288.
- service on, to be service on party, *sup.* 144.
- what notices are to be sent to, *sup.* 287.
- issuing plaint, to indorse name, &c. on particulars, *sup.* 93.
- may serve default summons, *sup.* 89.
- form of notice by, *sup.* 296.
- affidavit of service by, *sup.* 89.
- form of affidavit, *sup.* 296.
- may serve notice of interlocutory proceedings, *sup.* 141.
- must sign roll, *sup.* 108.
- notice of employment of, need not be given, *sup.* 108.
- undertaking by, for expenses of admiralty cause tried where County Court does not sit, *sup.* 139.
- notice of change of, *sup.* 143.
- form of, *sup.* 249.

**SON ASSAULT DEMESNE**, defence of, i. 792.

**SOUTHWARK**, a Metropolitan County Court, i. 116.  
issue of summons in, i. 146.

**SPECIAL** equitable jurisdiction in various matters, ii. 125.

**SPECIAL CASE**, in ejectment, i. 426.

- form of, *sup.* 222.
- on appeal, *sup.* 130.

**SPECIAL** defences, i. 201, *sup.* 98.

- notice of, to be given five days before return day, *sup.* 99.
- of particulars of defence, *sup.* 99.
- forms, *sup.* 183.
- set-off, *sup.* 99.
- particulars of account to be given, *sup.* 99.
- infancy, *sup.* 99.
- coverture, *sup.* 99.
- Statute of Limitations, *sup.* 99.
- bankruptcy or insolvency of the defendant, *sup.* 99.
- libel or slander, *sup.* 99.
- equitable defence, i. 258, *sup.* 100.
- statutory defence, i. 203, *sup.* 100.
- tender, *sup.* 100.
- money must be paid into court at or before trial, *sup.* 100.
- adjournment to enable notice of special defence to be given, i. 280, *sup.* 99.

**SPECIAL** judgments to be settled, sealed and filed by registrar, *sup.* 112.

**SPECIALTIES** may be seized in execution, i. 333.

- how to be dealt with, i. 333.
- payment of specialty debts by executors, &c., i. 639.

**SPECIFIC GOODS**, order on judgment for breach of contract to deliver, i. 293.

- execution to recover, i. 330, *sup.* 147.
- forms, *sup.* 239.

**SPECIFIC LEGACY**, form of particulars for, *sup.* 174.

**SPECIFIC PERFORMANCE**, jurisdiction in suits for, i. 45, ii. 12.

- in what court proceedings to be taken, ii. 30.
- forms of particulars, *sup.* 175.
- damages may be awarded in addition to, or in substitution for, ii. 75.

- SPIRITUOUS** liquors, defence of illegal contract for sale of, i. 532.  
 application of payments in satisfaction of price of, i. 555.
- SPLITTING** demands, i. 27, 30.
- STAGE COACHMAN**, liability of, for loss of parcels, i. 853.
- STAKEHOLDER**, action for money had and received against, i. 735.
- STAMP**, instrument must be duly stamped, i. 478.  
 compelling production of documents for the purpose of being stamped, i. 240.  
 stamping documents at the trial, i. 499.  
 stamp not necessary on acknowledgment to take case out of Statute of Limitations, i. 580.  
 exemption of agreement for sale of goods from, i. 515.  
 agreement for hire of servant, i. 713.  
 of document in bankruptcy, ii. 209.  
 defence of want of, on promissory note, i. 750.  
 on bills of exchange, i. 768.  
 on receipts, i. 556.
- STANNARIES COURTS** of Cornwall, preservation of, concurrent jurisdiction of, i. 55, ii. 4.  
 enforcing proceedings of, i. 49.
- STATEMENT** by defendant, ii. 52, *sup.* 102.  
 of particulars of set-off or counter-claim, *sup.* 288.  
 of affairs by bankrupt, ii. 267.
- STATEMENT** of case for the opinion of the Court of Appeal, i. 302, 304, *sup.* 130.  
 re-statement of case, i. 312.
- STATEMENTS** of parties, evidence of, i. 467.  
 proof of, contradictory, i. 497.  
 impugning veracity of, i. 497.
- STATUS** of undischarged bankrupt, ii. 369.
- STATUTE**, acting in pursuance of a, i. 150.
- STATUTE OF FRAUDS.** *See* FRAUDS, STATUTE OF.
- STATUTE OF LIMITATIONS**, defence of, i. 571, *sup.* 99.  
 successive summonses to save, *sup.* 97.  
*See also* LIMITATIONS, STATUTE OF.
- STATUTES**, how proved, i. 488.  
 [FOR THE STATUTES CITED IN THIS WORK, *see* THE TABLE OF STATUTES AT THE BEGINNING OF VOL. I. AND OF SUPPLEMENT.]
- STATUTORY DEFENCE**, notice of, *sup.* 100.
- STAYING PROCEEDINGS**, until security for costs, under the Bills of Exchange Act, i. 208.  
 notice of application for new trial does not have the effect of, unless otherwise ordered, *sup.* 129.  
 after notice of appeal, *sup.* 130.  
 stay of execution in certain cases, i. 80, 315.  
 not by writ of error, i. 76, 315.  
 stay of proceedings in action on replevin bond, i. 410.  
 stay of proceedings at law in administration suits, i. 45.

**STAYING PROCEEDINGS—continued.**

- on petition in bankruptcy, ii. 255.
- when petitioner's debt denied, ii. 255.
- pending proceedings for liquidation, ii. 256.
- after presentation of another petition, ii. 261.
- form of order to stay, ii. 257.

**STOCK, transfer of, into court, ii. 19, *sup.* 132.**

- forms of certificate and of receipt of transfer ticket, *sup.* 254.
- of notice of transfer. *sup.* 255.
- dealing with, in bankruptcy, ii. 331.

**STOLEN goods, liability of bailee for, i. 855.**

- of carrier, i. 858.
- of innkeeper, i. 877.
- action to recover, i. 829.

**STOPPAGE in transitu, i. 842, ii. 315.**

- when the transit ends, ii. 316.

**STREAM OF WATER, rights to, i. 885, 887.****SUB-BAILIFFS, appointment of, i. 114.****SUBMISSION to arbitration under "The Agricultural Holdings Act, 1875," *sup.* 43.****SUBSCRIBERS to undertakings, liability of, on contracts, i. 604.****SUBSTITUTED PLAINTIFF in ejectment, form of judgment for, *sup.* 225.****SUBSTITUTED SERVICE of summons, *sup.* 4, 98.**

- form of affidavit, *sup.* 164.
- form of order for, *sup.* 296.
- form of notice in papers, *sup.* 297.
- form of order to proceed, *sup.* 164.

**SUBSTITUTION of name of third person as plaintiff or defendant, *sup.* 107.**

- in ejectment, i. 427.
- form of order. *sup.* 224.

**SUB-TENANT, notice by, to lessor, of service of summons for possession, i. 415, 419.****SUCCESSION duty, jurisdiction in respect of, i. 48, ii. 100.**

- procedure, i. 48, n.
- fees in, i. 18.

**SUCCESSIVE summonses, where service has not been effected, i. 180, *sup.* 194.**

- to save the Statute of Limitations, i. 180.
- not to be issued in case of judgment summons, i. 359.

**SUFFICIENCY of sureties in bond, affidavit of, *sup.* 131.****SUITORS' money, unclaimed, i. 12, n.**

- right of, to employ advocates. i. 69.

- SUMMARY mode of trial of cases, i. 67.  
 proceedings under Bills of Exchange Act, i. 189.  
 of the course of proceeding at the trial, i. 264.
- SUMMONING, of jury, i. 223, ii. 74, *sup.* 108.  
 of witnesses, i. 225, 277, ii. 70, *sup.* 5, 106.
- SUMMONS, suits to be by, i. 63.  
 when to be issued, i. 140. *See* PLAINT.  
 obtaining leave to issue, i. 148.  
 evidence at trial confined to statement in, i. 63, 461.
- The Summons and Service, i. 164.
- Summons in the ordinary form, i. 164.  
 instructions as to nature of, to be issued, i. 155.  
 entry in the plaint-book, i. 164.  
 plaint-note, i. 165, *sup.* 94.  
 form of plaint-note, *sup.* 152.  
 form of summons, *sup.* 154.  
 to be under seal, i. 65, 166, *sup.* 84, 91.  
 if issued by leave of judge or registrar, such fact to be stated,  
*sup.* 94.  
 annexation of particulars, i. 169, *sup.* 94.  
 particulars to form part of summons, *sup.* 94.  
 in ejectment, i. 424.  
 form of, *sup.* 218.
- default summons under "The County Courts Act, 1875,"  
*sup.* 3.  
 form of summons, *sup.* 10.  
 may be served by solicitor or clerk, *sup.* 89.  
 must be served within six months, *sup.* 97.  
 may be served wherever defendant is met, *sup.* 97.  
 to be served by bailiff of district where defendant resides if not  
 otherwise ordered, *sup.* 97.
- Service of the summons in general, i. 172, *sup.* 94.  
 delivery to the bailiff, i. 172, *sup.* 84.  
 time of service, i. 172, *sup.* 95.  
 indorsement on copy, by high bailiff, of service or non-service,  
*sup.* 5, 85.
- in a foreign district, i. 172, *sup.* 85.  
 form of letter to be sent with summons out of district,  
*sup.* 153.  
 doubtful service, *sup.* 83.
- in the district courts of the metropolis, i. 174.
- mode of service of an ordinary summons, *sup.* 94.  
 on board a ship, *sup.* 96.  
 on soldiers in barracks, *sup.* 96.  
 on prisoners, *sup.* 96.  
 on miners, *sup.* 96.  
 on persons employed in public asylums or gaols, *sup.* 96.  
 on an infant, *sup.* 95.  
 on a lunatic, *sup.* 95.  
 on partners, *sup.* 96.  
 on railway companies and corporations, *sup.* 96, 97.  
 where the defendant keeps his house, &c. closed, *sup.* 96.  
 where personal service is prevented by violence or threats,  
*sup.* 96.  
 service on Sundays, &c., *sup.* 146.

SUMMONS—*continued*.Service of the summons in general—*continued*.

- service of the summons on the boundaries of districts, i. 177.
- duty of the bailiff of a foreign district, on service or failure, *sup.* 85.
- duty of the registrar thereon, i. 271, n., *sup.* 85.
- service on one of several defendants, i. 180.
- copy of summons to be served on parties added as defendants, *sup.* 290.
- form of, *sup.* 302.
- Successive summons, i. 180, *sup.* 95.
- where the service has not been effected, i. 180.
- successive summonses to save Statutes of Limitation, i. 180.
- Summons under the Bills of Exchange Act, i. 189.
- Effect of mistake or irregularity in service, i. 192.
- where the wrong person has been served, i. 192.
- where the service, although on the right person, is irregular, i. 193, *sup.* 97.
- summons to assignors disputing assignment, *sup.* 122.
- form of, *sup.* 192.
- amendment of summons, *sup.* 110.
- summons may, at plaintiff's option, be returnable at a later court, *sup.* 94.

## Defendant's Proceedings on Service, i. 195.

- On ordinary summons, where defendant omits or confesses the claim, i. 195.
- payment, i. 195.
- admission, i. 196, *sup.* 102.
- form of, *sup.* 161.
- Settlement by agreement with plaintiff, i. 198, *sup.* 103.
- form of, *sup.* 162.
- Payment into court, i. 199, *sup.* 103.
- time of payment and notice to plaintiff, *sup.* 103.
- acceptance by plaintiff, *sup.* 103.
- payment into court by executors, &c., i. 201, *sup.* 126.
- payment into court where the defence is a tender, i. 201, *sup.* 100.

## Special defences, i. 201.

- notice of particulars of defence, *sup.* 99.
- set-off, *sup.* 99.
- infancy, *sup.* 99.
- coverture, *sup.* 99.
- Statute of Limitations, *sup.* 99.
- bankruptcy, &c., *sup.* 99.
- libel or slander, *sup.* 100.
- equitable defence, *sup.* 100.
- statutory defence, *sup.* 100.
- copies of notice, *sup.* 99.
- tender, *sup.* 100.
- under Copyright of Designs Act, i. 204.
- forms of defences, *sup.* 183.
- counter-claim, *sup.* 100.
- form of, *sup.* 85.

On a summons to obtain judgment by default under "The County Courts Act, 1875," *sup.* 4.

See "THE COUNTY COURTS ACT, 1875," and DEFAULT SUMMONS.

**SUMMONS—continued.****Defendant's Proceedings on Service—continued.**

On a summons under the summary procedure on bills of exchange,  
i. 207.

payment, i. 207.

leave to defend, i. 207.

setting aside judgment by default, i. 208.

imponounding bill and staying proceedings, i. 208.

proof on trial of service of, *sup.* 5.

for attachment of debts, i. 847, *sup.* 124.

form of, *sup.* 304.

interpleader, i. 373, *sup.* 121.

when to be issued, and the parties to be summoned, i. 373, *sup.* 121.

forms of, *sup.* 198.

evidence at trial confined by, i. 68, 464.

amendment of, *sup.* 109.

to witnesses, *sup.* 5, 106.

may be issued in blank, *sup.* 106.

may be issued without leave of court, *sup.* 106.

form of summons, *sup.* 159.

may contain clause requiring production of books of, *sup.* 5.

may be served by party or his solicitor, *sup.* 5, 106.

form of affidavit of service, *sup.* 300.

to be served a reasonable time before return day, *sup.* 106.

summons in chambers, form of, *sup.* 155.

summons to attend on taking accounts, *sup.* 113.

form of, *sup.* 303.

summons in nature of *scire facias*, on change of defendant, *sup.* 107.

form of, *sup.* 210.

for costs, in ejectment, form of, *sup.* 227.

**in admiralty,**

proceedings by, *sup.* 136.

form of, *sup.* 261.

service of, *sup.* 136.

on person in charge of vessel, *sup.* 136.

if no person in charge, to be nailed on mast, *sup.* 136.

**in bankruptcy,**

form of order of fine for non attendance, ii. 267.

to witness, ii. 217.

to person suspected of having property of bankrupt, ii. 337.

debtor's summons, an act of bankruptcy, ii. 231.

form of, ii. 232.

service of, ii. 235.

**SUMMONS of jury, i. 273, *sup.* 108.**

**SUMMONS for penalties, &c., i. 87.**

**SUNDAY, service of process not to be on, *sup.* 146.**

except warrant for arrest of ship, *sup.* 137.

when not to be included in computation of time, *sup.* 146.

when time expires on, act or proceeding may be done or taken on

next day when offices are open, *sup.* 291.

illegal sales on, i. 533.

**SUPERINTENDENCE of property by bankrupt, ii. 293.**

**SUPERSEDEAS** on writ of error, judgment or execution not to be stayed by, i. 315.

**SUPERSEDING** execution, on payment of debts and costs, i. 322.

**SUPREME COURT OF JUDICATURE ACT, 1873**, effect of, on procedure of County Courts, i. 58.  
 issue of writs of, by registrar of County Court, i. 50.  
 power given under Judicature Act to give inferior courts same jurisdiction in equity and admiralty as County Courts, i. 7, n.  
 provisions of Judicature Act as to amalgamation of rules of equity and law, i. 59.

**SUPREME COURT OF JUDICATURE ACT, 1875**, *sup.* 33.

**SURETIES** in bond given by way of security, i. 76, 234, *sup.* 131.  
 no officer of the court to become surety, *sup.* 131.  
 notice of, *sup.* 131.  
 in replevin, i. 392.  
 on commitment for perjury, i. 283, n.  
 action by, for contributions, i. 731.  
 action against, on guaranties, i. 779, 784.  
 affidavit of justification, *sup.* 131.  
 form of, *sup.* 178.  
 bail bond in admiralty. form of, *sup.* 263.  
*in bankruptcy*,  
 notice of, ii. 215, 258.  
 justification, ii. 215, 258.

**SURGEONS**, actions by, i. 719.  
 where may be said to dwell, i. 142.

**SURRENDER**, of lease by trustee in bankruptcy, ii. 326.  
 of premises, defence of, in action for rent, i. 696.

**SURVEY** of buildings, interlocutory applications for, *sup.* 101.

**SURVEYOR**, liability of county or highway, i. 817.

**SURVEYORS**, of Board of Trade, appeal from decision of, under "The Merchant Shipping Act, 1873," ii. 189.

**SURVIVOR**, proceedings by or against, after death of one of several plaintiffs or defendants, *sup.* 107.  
 form of judgment for surviving plaintiff, *sup.* 226.

**SUSPENSION** of execution in certain cases, i. 80, 286, 315.  
 form of order, *sup.* 197.

## T.

**TAXATION** of costs, i. 74, 295, *sup.* 142.  
 of solicitor's bills, ii. 124, 141.  
 of trustee's costs in bankruptcy, ii. 288.  
 of returning officer's charges, *sup.* 35.

**TAXES** paid by tenant, deduction of, from rent, i. 698.

**TELEGRAM**, contract by, sufficient within the Statute of Frauds, i. 651.  
parties not bound by mistake in message transmitted, i. 605.

**TENANCY**, proof of, in replevin in justification of distress for rent, i. 905.

**TENANT**, defence by, in action for rent, i. 692.  
ejectment against, i. 35, 36, 398.  
cannot dispute landlord's title, i. 692.  
liability of, for negligence, i. 850, 852.  
proceedings against, to recover possession, i. 411.  
- form of summons, *sup.* 216.  
evidence, i. 924.  
notice by sub-tenant to lessor, of summons for possession, i. 415, 419.  
right to compensation under "The Agricultural Holdings Act, 1875,"  
*sup.* 39.  
for breach of covenant, *sup.* 41.  
deductions from compensation, *sup.* 41.  
set-off of benefit, *sup.* 41.  
liability to compensate landlord, *sup.* 41.  
settlement of compensation by reference, *sup.* 42.  
requisites of award, *sup.* 43.  
costs of reference, *sup.* 44.  
appeal to County Court, *sup.* 44.  
costs of proceedings, *sup.* 45.  
mode of enforcing compensation, *sup.* 45.  
power of landlord to obtain charge, *sup.* 45.  
notice to quit, *sup.* 48.  
provision as to fixtures, *sup.* 48.  
right of contract unrestricted, *sup.* 49.  
part of act may be adopted by agreement, *sup.* 49.

**TENANT IN COMMON**, cannot maintain suit for partition, ii. 17.  
joinder of, in replevin, i. 398, 399.  
ejectment by or against, i. 427, 938.

**TENDER**, defence of, i. 558, *sup.* 100.  
defence not available, unless money paid into court, i. 201, *sup.* 100.  
in what kind of money, i. 559.  
amount, i. 559.  
money must be produced, i. 560.  
must be unconditional, i. 561.  
by whom to be made, i. 562.  
to whom, i. 563.  
when made, i. 563.  
evidence for plaintiff in reply, i. 564.  
of rent, i. 699.  
of rent in action for replevin, i. 908.  
in action on promissory note, i. 755.  
in admiralty cases, ii. 167.  
in salvage cases, ii. 162.  
of amends for cattle damage feasant, i. 910.  
of amends in actions under County Court Acts, i. 85.  
to witnesses of expenses, i. 226, n.

**TENEMENTS**, proceedings to recover possession of, i. 27, 411.

- (1) Introductory sketch of the County Court jurisdiction, i. 411.  
original jurisdiction, i. 411.  
extension recommended by County Courts commissioners, 1855,  
i. 412.  
recommendations carried out, i. 413.



**TENEMENTS—continued.**

- (2) Existing provisions, i. 114.
  - recovery of possession of small tenements by landlords where term has expired or been determined by notice, i. 414.
  - claim for rent and mesne profits, i. 414.
  - recovery of possession for non-payment of rent under power of re-entry, i. 414.
- (3) The practice, i. 416.
  - when summons to be issued, i. 416.
  - court fees, mode of estimating poundage, i. 417.
  - form of summons,
    - to tenant or other person holding over, *sup.* 217.
    - summons under sect. 52 of 19 & 20 Vict. c. 108, *sup.* 217.
  - service of summons, i. 419.
  - notice by sub-tenant to his immediate landlord, i. 419.
  - the hearing, i. 419.
  - order, i. 419.
    - form of order, *sup.* 308.
  - costs, i. 137, 420.
  - warrant of possession, i. 420.
  - form of warrant, *sup.* 217.
  - force of warrant, i. 421.
  - protection of officers and parties from actions, i. 421.
- evidence in plaints to recover possession of tenements, i. 924.
  - (1) In case of a tenant holding over, i. 924.
    - evidence for the plaintiff or landlord, i. 924.
    - proof of the holding, i. 925.
    - proof of the end or other termination of the tenancy, i. 925.
    - term ended, i. 925.
    - notice to quit, i. 926.
      - when to be given, i. 926.
      - by landlord, i. 927.
      - by tenant, i. 928.
      - form and service, i. 928.
      - how proved, i. 930.
    - evidence for the tenant or defendant, i. 981.
      - denial of landlord's title, i. 931.
      - waiver of notice to quit, i. 931.
      - judgment recovered, i. 932.
      - another action pending, i. 933.
      - claim for rent or mesne profits, i. 933.
  - (2) In case of re-entry for non-payment of rent, i. 933. *See also* RENT.
- question of title in, i. 37.
- action of ejectment cannot be brought where proceedings can be taken under "The County Courts Act, 1856," i. 35, 429, *sup.* 145.
- appeal, i. 802.

**TERM**, proceedings to recover possession where tenant's interest in, expired, i. 414.

evidence, i. 924.

question of title may be raised in case of term for years, i. 37.

taking of terms in execution, i. 334.

**TESTATOR**, action by executor for goods supplied by, i. 633.

for goods supplied to, i. 635.

execution against goods of, *sup.* 126.

form of warrant, *sup.* 214.

- THANKSGIVING DAY**, not included in computation of time, *sup.* 146.  
service of process not to be on, *sup.* 146.
- THINGS IN ACTION**, included in property of bankrupt, passing to trustee,  
ii. 201 n., 307.  
other than trade debts, not within clause as to reputed ownership,  
ii. 309, 314.  
dealing with, in bankruptcy, ii. 331.  
action in respect of ii. 336.
- THIRD PARTY**, claim for contribution or indemnity against, *sup.* 288.  
form of notice of, *sup.* 309.
- THREATS**, service of summons where personal service prevented by, i. 176.
- TIME** for holding courts, i. 9.  
for taking proceedings, i. 66.  
computation of, *sup.* 146.  
when time expires on Sunday, &c., *sup.* 291.  
power of judge to grant time to proceed, i. 68.  
of service of summons, *sup.* 95.  
to witnesses, *sup.* 106.  
of payment of money into court, *sup.* 103.  
for tender of money, i. 563.  
computation of, for giving notice of appeal, i. 306.  
limit of, for issuing execution, i. 315.  
from what, goods bound, i. 335, 912.  
of sale of goods taken in execution, i. 336.  
of making appraisement, i. 337.  
of delivery of writs, to determine their priority, i. 322.  
for taking objection to jurisdiction, i. 540.  
remuneration by, i. 702.  
computation of, in bankruptcy, ii. 210.  
within which acts of bankruptcy must be committed, ii. 240.  
for presentation of bankruptcy petition, ii. 242.  
for hearing petition, appointment of, ii. 243.  
of commencement of the bankruptcy, ii. 308.
- TIMES** may be abridged or enlarged by judge or registrar, *sup.* 144.
- TITLE**, questions of, excluded from the original jurisdiction of the County Court, i. 26.  
decision by consent of questions of title arising incidentally, i. 33, 149, 267.  
form of consent, *sup.* 190.  
jurisdiction as to, under "The County Courts Act, 1867," i. 35, 37.  
transfer of actions of ejectment respecting, to Superior Courts, i. 36.  
when questions of, may be raised, i. 37.  
in actions of trespass, i. 819.  
cases where, is in question, i. 37, 41.  
costs where, is in question, i. 136.  
particulars of demand in actions involving title, i. 157.  
trial by jury of questions of, i. 224, n.  
appeal, i. 303.  
denial of plaintiff's title in action for rent, i. 692.  
defence of expiration of title in action for rent, i. 693.  
denial of landlord's title in replevin, i. 907.  
denial of landlord's title in proceedings to recover possession of tenements, i. 931.  
proof of, in ejectment, i. 934.  
of party to suit, assignment, creation, or devolution of, *sup.* 107.  
forms of notice of, *sup.* 301.

- TITLE TO GOODS**, proof of, in actions for wrongful retaining, i. 825.  
acquired before actual seizure in execution, i. 912.
- TITLE TO SHIPS**, admiralty jurisdiction respecting, ii. 148.
- TOLL**, questions of title to, excluded from the original jurisdiction of the County Courts, i. 26.  
consent to give jurisdiction, i. 34.  
question considered whether title to toll within jurisdiction conferred by "The County Courts Act, 1867," i. 36.  
in what cases the title to, is in dispute, i. 38, 41.
- TOOLS**, protection of, from seizure, i. 333.  
of bankrupt not divisible among creditors, ii. 309.
- TORTS**, actions for, i. 789.  
may be remitted to the County Court, i. 43, 448.  
costs in action for, in the High Court, i. 120, 129.  
in the County Courts, i. 135.  
particulars of demand in, *sup.* 172.
- TOWAGE**, claim for, in County Courts, ii. 160.
- TOWN HALLS**, use of, for sittings of courts, i. 9.
- TRADE**, implements of, protected from seizure, i. 333.
- TRANSFER** of actions from the High Court, i. 43, 444, *sup.* 120.  
removal of actions to High Court, i. 77, *sup.* 120.
- TRANSFER** of property with intent to defraud creditors, i. 372.
- TRANSFER** of shares, plaints to secure, ii. 47.
- TRANSFER** of stock by trustees, ii. 19, 53, *sup.* 132.  
form of certificate, *sup.* 254.  
of acknowledgment of transfer ticket, *sup.* 255.  
of notice, *sup.* 255.
- TRANSFER** of suits to Chancery Division of High Court, i. 45, 77, ii. 109.  
to Chancery Division of High Court on application of the parties, ii. 109.  
to the Chancery Division of High Court where subject-matter exceeds jurisdiction of County Court, ii. 109, *sup.* 121.  
form of order, *sup.* 250.  
from one County Court to another, ii. 111, *sup.* 144.
- TRANSFER** of suits in admiralty, ii. 167, *sup.* 137.  
by the High Court, ii. 167, *sup.* 137.  
by the County Court, ii. 167, *sup.* 137.  
forms of order, *sup.* 264.  
of proceedings for sale of vessel or property taken in execution, ii. 179, *sup.* 138.
- TRANSFER** of winding-up from one County Court to another, ii. 138.
- TRANSFER** of proceedings in bankruptcy, ii. 300.  
form of certificate of judge for, ii. 301.
- TRANSFERS**, voluntary, void in bankruptcy, ii. 317.
- TRANSMISSION** of copy case for the opinion of the Court of Appeal, i. 302, *sup.* 130.  
of warrants of execution, i. 315, *sup.* 127.  
return and certificate, *sup.* 127.  
forms of, *sup.* 305.  
of letters, &c. by post, *sup.* 146.

TRAVELLER for orders, payment to, i. 598.

TRAVELLING expenses, payment and allowance of, to witnesses, i. 226.

TREASURER, appointment of, i. 105.

property vested in, i. 7.

audit of accounts by, i. 23.

his accounts to be audited, i. 23.

books open to his inspection, i. 105.

penalty for exacting fees beyond those allowed, i. 104.

salary, i. 105.

prospective abolition of office of, i. 25, 105.

when to include superintendent of County Court department of treasury, *sup.* 82, 132.

TREASURY, order of, regulating fees, *sup.* 275.

accounts to be sent to, i. 23.

TREBLE COSTS, in second suit for the same demand, i. 136.

TRESPASS for taking goods, action for, i. 819.

involving questions of title, i. 819.

choice of remedies between, or replevin, i. 397.

question of title may be raised in action of, i. 37.

TRESPASSER, no person to be deemed a, by reason of any irregularity or informality in warrants, i. 320.

landlord not, by reason of irregularity in proceedings for recovery of tenements, i. 421, 422.

defence to action for rent, that plaintiff treated defendant as a trespasser, i. 697.

TRIAL of actions in the County Courts. *See also* NEW TRIAL.

powers and duties of judges on, i. 67, 92, *sup.* 108.

proceedings between summons and trial, i. 222, *sup.* 98.

employment of attorneys and counsel, i. 222, *sup.* 108.

notice of trial by jury, i. 223, *sup.* 108.

summoning witnesses, i. 225, *sup.* 5, 106.

notice to produce documents, i. 228, *sup.* 104.

notice to admit documents, *sup.* 105.

changing the venue, i. 232, *sup.* 109.

continuance of action by assignees and personal representatives, i. 236, *sup.* 107.

reference to arbitration, i. 237, *sup.* 124.

agreement that the decision of the judge should be final, i. 238.

withdrawal by plaintiff, *sup.* 102.

General course of procedure on the trial, i. 264, 490.

costs, i. 265.

order of proceeding as to proof, i. 490.

in replevin, i. 406, *sup.* 123.

Calling on the cause and other preliminary steps, i. 266.

appointment of guardian of infant defendant, *sup.* 108.

consent that judge shall decide question of title, i. 267.

Where both parties appear, i. 268, 490.

where the defendant appears and admits the claim, i. 268.

appearance by counsel or attorney or third person, i. 268, *sup.* 108.

officers of court cannot act as attorneys, i. 269.

order of proceeding at the trial, i. 269.

appearance and admission by a person other than the defendant, i. 269.

**TRIAL**—*continued*.

- Where the plaintiff only appears, i. 270.
  - proof before the registrar, in actions on contract, i. 270.
  - proof of service of summons, i. 271.
  - judgment by default, i. 271.
- Where only the defendant appears, *sup.* 108.
  - form of order for costs, *sup.* 302.
- Trial by jury, i. 272, *sup.* 108.
  - finer on absent jurors, i. 274.
  - form of order fining juror, *sup.* 194.
  - form of warrant of execution for fine, *sup.* 194.
  - challenge of jurors, i. 275.
- Witnesses, i. 277, *sup.* 106.
  - examination of, i. 490.
  - finer on, neglecting to attend or refusing to give evidence, i. 277.
  - form of order fining witness, *sup.* 187.
  - form of warrant of execution for fine, *sup.* 187.
- Adjournment of the cause, i. 279, *sup.* 109.
  - general powers of adjournment, i. 279, *sup.* 109.
  - where summons not served in due time, *sup.* 97.
  - to obtain a jury, *sup.* 108.
  - to give notice of special defence, *sup.* 99.
  - to enable plaintiff to discontinue another action pending for same cause, *sup.* 108.
- Amendment, i. 281, *sup.* 109.
  - adding parties, *sup.* 109.
  - where parties improperly sue or are sued in a representative character, *sup.* 110.
  - or in their own right, *sup.* 110.
  - insufficient description of the plaintiff, *sup.* 110.
  - of the defendant, *sup.* 110.
  - improper joinder or omission of the wife, *sup.* 111.
  - misjoinder of plaintiffs, *sup.* 111.
  - omission of plaintiffs, *sup.* 111.
  - misjoinder of defendants, *sup.* 111.
  - abandoning proceedings against defendants who have not been served, *sup.* 111.
- Contempt of court, i. 283.
  - stamping documents at trial, i. 499.

**TRIAL**, meaning of, *sup.* 82.

- TRIAL** of admiralty causes, ii. 173.
  - may be at any place within admiralty district, *sup.* 135.
  - sittings of the courts, ii. 173.
  - notice of hearing, ii. 174.
  - mode of deciding causes, ii. 174.
    - nautical assessors, ii. 174.
    - mercantile assessors, ii. 175.
    - apportionment of salvage, ii. 176.
    - interest, ii. 176.
  - evidence, ii. 176.
    - oral, ii. 176.
    - affidavits, ii. 177.
  - witnesses, ii. 178.

**TRIAL** of questions of fact by a jury in bankruptcy, ii. 301.

- TRINITY HOUSE**, elder brethren of, to be summoned on hearing of appeal in admiralty tried with assessors in County Court, *sup.* 9.

**TRIOBS** of challenges to jury, i. 276.

**TROVER**, action of, i. 825.

form of particulars in, *sup.* 172.

choice of remedies, i. 397.

**TRUCK ACT**, i. 719.

**TRUST MONIES**, payment of, into court, ii. 19, *sup.* 131.

**TRUST**, property held on, by bankrupt not divisible amongst creditors, ii. 309, 310.

**TRUSTS**, jurisdiction of County Court in actions for execution of, i. 45, ii. 29.

definition of, ii. 9.

form of particulars, *sup.* 175.

charitable trusts, equitable jurisdiction in, ii. 125.

**TRUSTEE**,

may sue or be sued without joining parties beneficially interested, *sup.* 90.

but court may, at trial, order such parties to be joined, *sup.* 90.

action for appointment of new, ii. 19.

form of particulars, *sup.* 176.

**TRUSTEE** in bankruptcy, ii. 273.

definition of word, ii. 274.

vesting of property in, i. 591, ii. 274, 307.

the registrar trustee until appointment, ii. 274.

certificate that registrar trustee, ii. 260.

form of certificate, ii. 261.

appointment of trustee by creditors, ii. 263, 273.

evidence of appointment, ii. 274.

notice in Gazette of appointment, ii. 292.

bond by, ii. 274.

appointment to fill vacancy on resignation, ii. 279.

superintendence of trustee by committee of inspection, ii. 275.

regulations as to trustees and committee of, ii. 276.

death, resignation, or removal of trustee, ii. 277.

his duty, ii. 279.

actions by, i. 236, 643, 830.

may not be joined with claim in another capacity, *sup.* 92.

claim to goods by, i. 830.

control over and by comptroller, ii. 286.

power, ii. 282.

accounts, ii. 288, 367.

costs, ii. 287.

release of, ii. 365.

**TRUSTEE IN LIQUIDATION**,

appointment of, ii. 273.

powers of, ii. 374.

rights of, ii. 376.

**TRUSTEE ACTS** and **TRUSTEE RELIEF ACTS**, i. 45, ii. 18, *sup.* 131.

proceedings under, where to be taken, ii. 30, *sup.* 131.

to be by petition, ii. 49, *sup.* 133.

notice to trustee of petition, *sup.* 133.

trustee may be ordered to pay costs, *sup.* 133.

forms of petition, *sup.* 254.

facts to be proved by affidavits, ii. 74, *sup.* 131.

TRUSTEE ACTS—*continued*.

payment of trust-money into court, ii. 19, *sup.* 131.

where a bankrupt is a trustee, within Trustee Acts, new trustee may be appointed, ii. 308.

TRUSTEES of friendly society, application for removal of, ii. 131, *sup.* 27.

power of, ii. 132.

applications by, *sup.* 141.

only liable for funds actually received, *sup.* 29.

power of, to sue and be sued, *sup.* 30.

## U.

UMPIRE, appointment of, under "The Agricultural Holdings Act, 1875," *sup.* 42.

UNCLAIMED DIVIDENDS in bankruptcy, ii. 354.

UNCLAIMED suitors' money, i. 12, n., 13, n.

UNCONDITIONAL TENDER, i. 561.

UNDERTAKING by next friend of infant or married woman to be responsible for costs, *sup.* 89.

form of, *sup.* 170.

by solicitor, in lieu of security for costs, *sup.* 88.

form of, *sup.* 170.

by solicitor, for expenses of admiralty action tried where County Court does not sit, *sup.* 135.

by defendant under Employers and Workmen Act for performance of contract, *sup.* 37.

form of, *sup.* 309.

UNDERVALUE, effect of, in equity, of contracts, ii. 16.

UNDISCHARGED BANKRUPT, status of, ii. 369.

UNDUE INFLUENCE, contracts set aside for, ii. 16.

UNINCORPORATED companies, liability of members of, i. 604.

UNITY OF POSSESSION, effect of, on easements, i. 898.

UNIVERSITIES, privileges of the, preserved, i. 55.  
defence arising under privilege, i. 539.

UNLAWFUL CONTRACTS. *See* ILLEGALITY.

UNLIMITED LIABILITY, registered companies with, i. 609.

UNLIQUIDATED balance of partnership account, action for, i. 27.

UNSEAWORTHINESS of vessels, appeal from decision of surveyors as to, ii. 189.

- UNSOUNDNESS in horses, what is, i. 675.
- USAGE, evidence of, to explain written contracts, i. 475.
- USE OF GOODS AND OCCUPATION of premises, action for, i. 684. *See* RENT.
- USER of easements, i. 897.
- USURY LAWS repealed, i. 779.

V.

- VALIDITY of devise, questions respecting, excluded from jurisdiction of County Court, i. 41.  
of proceedings in general, i. 84.  
of certain transactions in bankruptcy, ii. 320.
- VALUATION of vessel under execution, before sale, *sup.* 138.
- VALUE, proof of, in action for goods delivered, i. 514.  
of goods detained, test of jurisdiction in action of detainee, i. 29.  
of lands, limitation of, in ejectment, i. 35, 939.  
in questions of title to corporeal or incorporeal hereditament, i. 36.  
how value determined, i. 940.
- VARIANCE of document by verbal evidence, i. 472.
- VARIATION of registrar's certificate, *sup.* 115.
- VENDEE, action by, for not delivering goods, i. 660.
- VENDOR, action by, for price of goods, i. 503, 646.  
for not accepting goods, i. 658.  
action against, for not delivering goods, i. 660.
- VENDOR AND PURCHASER ACT, 1874, *sup.* 20.
- VENUE in actions of ejectment, i. 85.  
in actions against persons acting in execution of County Court Acts, i. 85.  
in actions by and against judges, i. 93.  
change of, in actions brought by officers of County Courts, i. 232, *sup.* 109.  
by order of the judge, where the cause can be more conveniently tried in another County Court, i. 232.  
or if judge interested, i. 232.  
form of order to change, *sup.* 189.
- VERBAL EVIDENCE, verbal admissions by agents, i. 468.  
variation of agreement by, i. 472.
- VERDICT not to be set aside for want of form, i. 84.
- VERIFICATION of bankruptcy petition, ii. 244.



- VESSELS**, admiralty jurisdiction in respect of, *ii.* 148.  
 county court jurisdiction, *ii.* 160.  
 service of summons on person in charge of, *sup.* 136.  
 definition of "vessel" in admiralty orders, *sup.* 287.  
 arrest and detention of, pending proceedings, *ii.* 170, *sup.* 137.  
   form of warrant, *sup.* 262.  
   release of, *sup.* 137.  
   execution against, *sup.* 138.  
   form of warrant, *sup.* 265.  
   appraisal of, before sale, *sup.* 138.  
   appeal from decision of surveyors as to unseaworthiness of, *ii.* 139.
- VESTING** of bankrupt's property in trustee, *ii.* 307, 309.
- VIEW** of premises, interlocutory application for, *sup.* 101.
- VIOLENCE**, service of summons where personal service prevented by, *sup.* 96.
- VIVA VOCE** examination in default of answer to interrogatories, *sup.* 105.
- VOID CONTRACT**, defence of, *i.* 530. *See* **ILLEGALITY**.
- VOLUNTARY CONVEYANCES** and transfers, when void, *i.* 913.  
   in bankruptcy, *i.* 921, *ii.* 317.
- VOTES** in bankruptcy, how estimated, *ii.* 269.
- VOTING** in bankruptcy, *ii.* 269.  
   by proxy, *ii.* 212.
- W.**
- WAGERS**, action in respect of, *i.* 736.  
   defence to action on notes and bills arising out of, *i.* 753, 772.
- WAGES**, action for, *i.* 712.  
   evidence for the plaintiff, *i.* 712.  
     the contract, *i.* 712.  
     termination of contract by death, *i.* 715.  
     when right of action accrues, *i.* 715.  
     length of service and amount of wages due, *i.* 715.  
     action for wrongful dismissal, *i.* 716.  
   evidence for the defendant, *i.* 717.  
     misconduct of the plaintiff, *i.* 717.  
     payment, *i.* 719.  
     set-off and deduction, *i.* 717.  
     coverture, *i.* 719.  
   attachment of, forbidden, *i.* 346.  
   actions for, by infants, *i.* 152.  
   action by married woman for, *i.* 523, 524.  
   jurisdiction in admiralty as to, *ii.* 148, 160.  
     form of particulars, *sup.* 177.  
   on arrest of property in suit for, nationality of vessel to be stated in affidavit, *sup.* 137.  
   jurisdiction of County Court in disputes for, under "The Employers and Workmen Act, 1875," *sup.* 37.  
   forfeiture of, for absence from work, in case of a woman, child, &c., not to be set off unless actual damage caused, *sup.* 37.  
   notice of set-off or counter-claim need not be given, *sup.* 38.

- WAIVER**, of notice to quit, i. 931.  
     of lien, i. 841.  
     of tort, i. 842.
- WAPENTAKE**, Court of Wirral, abolished, i. 6.
- WARRANT**, general form of heading and conclusion of, *sup.* 150.  
     demand of, before action, i. 151.  
     of execution against goods, i. 313, *sup.* 116.  
         forms, *sup.* 162.  
         date and duration of, *sup.* 116.  
         fees for issuing, *sup.* 276.  
         indorsement on, *sup.* 116.  
         concurrent warrants, *sup.* 116.  
         to be returned into court on issue of judgment summons, *sup.* 118.  
         entry of time of application for, i. 322.  
         entry of, by high bailiff, i. 322, *sup.* 86.  
         by registrar of foreign court, *sup.* 127.  
         priority of, i. 322.  
         protection of officers under, i. 320.  
         execution of, in foreign districts, i. 315, *sup.* 86.  
         return and certificate, *sup.* 127.  
             form of, *sup.* 305.  
         re-issuing warrants, i. 316.  
         transmission of process and proceedings, *sup.* 127.  
         proceedings where not executed, *sup.* 86.  
         costs of warrants, *sup.* 142.  
     to high bailiff to replevy, i. 403.  
         form of, *sup.* 233.  
     to give possession of tenements, i. 414.  
         form of, *sup.* 217.  
         force of, i. 415, 421.  
         duration of, i. 415.  
     of execution on interpleader order, form of, *sup.* 205.  
     for attendance of prisoners as witnesses, i. 227.  
         form of affidavit for, *sup.* 188.  
         form of warrant, *sup.* 188.  
     warrant of execution in ejectment, i. 426.  
         form of, *sup.* 188.  
     of execution in detinue, *sup.* 147.  
         form of, *sup.* 234.  
     of possession, *sup.* 119.  
         form of, *sup.* 249.  
     of assistance, *sup.* 119.  
         form of, *sup.* 248.  
     of execution under the Friendly Societies and other acts, ii. 137.  
         forms, *sup.* 235.  
     of execution against claimant in interpleader, *sup.* 121.  
         form of, *sup.* 205.  
     of execution against goods of a testator, *sup.* 125.  
         form of, *sup.* 214.  
     against juror for a fine, i. 274.  
         form of, *sup.* 197.  
     against witness for a fine, i. 225.  
         form of, *sup.* 187.  
     for contempt of court, i. 79, 283.  
         form of, *sup.* 236.  
     on judgment summons, *sup.* 118.  
         form of, *sup.* 25.

**WARRANT**—*continued*.

for breach of order in nature of injunction, *sup.* 119.

form of, *sup.* 252.

*in admiralty causes,*

of arrest of vessel or property, ii. 170, *sup.* 137.

form of, *sup.* 262.

of execution, ii. 179, *sup.* 138.

forms, *sup.* 265.

*in bankruptcy,*

enforcement of, ii. 205.

addressed to high bailiff, ii. 215.

against debtor about to quit England, ii. 252.

of committal for contempt, ii. 291.

to apprehend person suspected of having property of bankrupt, ii. 338.

to search for property ii. 339.

to seize property, ii. 340.

**WARRANT BOOK**, of high bailiff, *sup.* 86.

**WARRANTY**, action for breach of, i. 666.

express, i. 668.

implied, i. 667.

damages, i. 670.

of horses, i. 671.

warranty by servant, i. 673.

proof of breach of, i. 675.

damages, i. 676, 680.

**WASTE** of assets by defendant, executor or administrator, charging in summons, i. 169, 287.

form of particulars, *sup.* 173.

evidence of, i. 638.

judgment in case of, *sup.* 125.

form of, *sup.* 211.

**WATER**, natural right to, i. 883, 885.

casements in respect of, i. 887.

Prescription Act respecting, i. 895, 896.

**WAY, RIGHT OF**, particulars of claim in action for interruption of, i. 880.

casements in respect of, i. 882.

acquisition of, i. 889.

by necessity, i. 893.

Prescription Act respecting, i. 895.

evidence in actions respecting, i. 900.

**WAYWARDENS**, penalties on, recoverable in County Courts, i. 54.

**WEARING APPAREL**, protected from seizure under warrants of execution, i. 333, ii. 103.

excepted from bankrupt's property divisible among creditors, ii. 309.

**WEIGHING OF GOODS**, interlocutory application for, *sup.* 101.

**WEIGHTS AND MEASURES**, sale by unlawful, i. 533.

**WESTMINSTER**, a metropolitan court, i. 116.

issue of summons in, i. 146.

- WHITECHAPEL**, a metropolitan court, i. 116.  
issue of summons in, i. 146.
- WIDOWS**, children of intestate in certain case entitled to benefit of Intestate Widows and Children Act, *sup.* 21.
- WIFE**, a competent witness, i. 69, 465.  
delivery of goods to, i. 619. *See* HUSBAND AND WIFE.  
action for goods sold by, i. 599.  
action on notes by and against, i. 753.  
amendment in case of improper joinder or omission of wife, *sup.* 110.  
procuring grant of administration for, i. 46.  
property of, i. 334.  
for what assets of, husband is liable in actions against wife, *sup.* 19.
- WILFUL** or intentional injuries, action for, i. 789, 843.
- WILL**, validity of devise, bequest or limitation under, excluded from the jurisdiction of the County Court, i. 26, 41.  
claim for legacy under, i. 27.  
jurisdiction as to the grant and revocation of probate of, i. 46, ii. 190.
- WINDING-UP** of companies and societies, jurisdiction as to, i. 46, ii. 138.  
in case of deficiency of assets, the same rule as to secured and unsecured creditors' annuities, &c. to apply as in bankruptcy, *sup.* 33.
- WINDING-UP** of partnerships, jurisdiction of County Courts in, ii. 21, 31.  
does not extend to joint-stock companies, ii. 22.  
judges of County Courts in certain cases commissioners for taking evidence respecting, ii. 22.
- WINDOWS**, easements in respect of, i. 888.  
particulars of claim in action for obstructing, i. 881.  
evidence respecting easement, i. 902.
- WIRRAL**, hundred or wapentake court of, abolished, i. 6.
- WITHDRAWAL** by plaintiff, *sup.* 102.
- WITNESSES**, examination of, i. 490.  
provisions respecting the competency of, i. 69, 465.  
parties and others allowed to be examined, i. 69, 465.  
persons giving false evidence, guilty of perjury, i. 69, 277.  
order of proceeding on the trial, i. 490.  
examination to be *ritâ voce*, unless otherwise provided, *sup.* 106.  
when examination may be by affidavit, *sup.* 106  
of witnesses out of jurisdiction, *sup.* 106.  
of witnesses *de bene esse*, *sup.* 107.  
oath or declaration of witness, i. 491.  
evidence must be on oath or declaration, i. 491.  
form of oath, i. 492.  
mode of examining, i. 493.  
must not be led, i. 493.  
refreshing the memory of, i. 494.  
rules as to parties discrediting their own witnesses, i. 495.  
proof of contradictory statements of, i. 496.  
impugning the veracity of, i. 497.  
attesting witness, when necessary to will, i. 483.

**WITNESSES—continued.**

- summoning witnesses, i. 225.
  - summons may be obtained at office, i. 225, *sup.* 5.
    - with or without clause for production of books, deeds, papers and writings, i. 225, *sup.* 5.
    - may be issued without leave of court, i. 225.
    - may be issued in blank, *sup.* 106.
    - form of, *sup.* 159.
    - fees on issuing, *sup.* 277.
    - service of, may be by party or his solicitor, *sup.* 89.
    - form of affidavit of service, *sup.* 300.
    - must be in reasonable time before return day, *sup.* 106.
    - rule in the Superior Courts, i. 226, n.
  - payment of expenses to witness, i. 226.
    - conduct money, i. 226.
    - scale of allowance to, *sup.* 268.
    - costs of witnesses must be applied for, i. 266.
  - attendance of, at the trial, i. 277.
  - fine on, for neglecting to attend or refusing to give evidence, i. 277.
  - form of order for, *sup.* 187.
  - form of warrant of execution for, *sup.* 187.
- costs of, may be allowed, though not summoned, *sup.* 142.
- non-production of documents by, power of court as to costs, &c. in case of, *sup.* 106.
  - not to exclude secondary evidence, *sup.* 106.
- order for attendance of prisoner to give evidence, i. 227.
  - affidavit to obtain, i. 227.
  - form of affidavit, *sup.* 188.
  - form of warrant, *sup.* 188.
  - summons to witness on a judgment summons, *sup.* 117.
- examination of, under the Joint Stock Companies Act, i. 47.
- costs of attorney for examining and taking minutes of evidence of, i. 130.
- in bankruptcy,*
  - subpena or summons for, i. 217.
  - examination of, i. 293.
  - taxation of, i. 217.

**WOMEN, acknowledgment of deeds by, i. 50.**

- proceedings where married woman obtains judgment on ground of coverture, i. 317.

*See also* MARRIED WOMEN.

**WORK AND LABOUR, action for, i. 700.**

- the contract, i. 702.
- performance of the work, i. 704.
- performance of conditions precedent, i. 711.
  - defence, i. 712.
    - illegality, i. 712.
    - insufficiency of work, i. 711.
- actions against executors for, i. 708.
- the price or value of the work, i. 710.

**WORKMEN. *See* EMPLOYERS AND WORKMEN ACT, 1875.**

**WRIT**, definition of, in 30 & 31 Vict. c. 142, s. 12, i. 425.

**WRIT OF CERTIORARI**, i. 211, 215.

- WRIT OF ERROR, execution not to be stayed by, i. 76, 315.
- WRIT OF PROHIBITION, i. 216.
- WRITS OF EXECUTION, priority of, determined by the delivery, i. 322.  
    *See* WARRANT.  
    concurrent, i. 323.
- WRITINGS, proof of, i. 470. *See* DOCUMENTS.  
    secondary evidence of, i. 484.
- WRITTEN ACKNOWLEDGMENT, to take case out of Statute of Limitations,  
    i. 572.
- WRITTEN AGREEMENT, proof of, i. 470.  
    explanation of, i. 475.  
    under Statute of Frauds, i. 647.
- WRITTEN CONTRACT, when requisite in the case of incorporated companies, i. 608, 610.
- WRITTEN INTERROGATORIES, delivery of, i. 240, 250, *sup.* 105. *See* INTERROGATORIES.
- WRONGFUL ACT, on application for injunction against the commission or continuance of; damages may be awarded, ii. 75.

**LONDON:**  
**PRINTED BY C. ROWORTH AND SONS,**  
**NEWTON STREET, HIGH HOLBORN.**

A  
**Catalogue**  
OF  
**LAW WORKS**

PUBLISHED BY

**MESSRS. BUTTERWORTH,**  
**Law Booksellers and Publishers**



**TO THE QUEEN'S MOST EXCELLENT MAJESTY**  
**AND TO**  
**H.R.H. THE PRINCE OF WALES.**

---

*"Now for the Laws of England (if I shall speak my opinion of them without partiality either to my profession or country), for the matter and nature of them, I hold them wise, just and moderate laws: they give to God, they give to Cæsar, they give to the subject what appertaineth. It is true they are as mixt as our language, compounded of British, Saxon, Danish, Norman customs. And surely as our language is thereby so much the richer, so our laws are likewise by that mixture the more complete."*—LORD BACON.

---

LONDON:  
7, FLEET STREET, E.C.  
1876.



# Index to Catalogue.

	PAGE		PAGE		PAGE
Accounts,		Boundaries. Hunt	15	Common Law—con.	
<i>Solicitors', Coombs</i> .. 32		Brokers. Keyser	46	<i>Practice.</i>	
<i>Law of. Pulling</i> ... 45		Burgesses' Manual.		Dixon ... .. 18	
Actions at Law.		Gaches ... .. 23		Kerr ... .. 22	
Browne ... .. 46		Canal Traffic. Powell .. 39		Lush ... .. 18	
Kerr ... .. 22		Carriers,		Companies. Shelford .. 12	
Lush ... .. 18		<i>Inland.</i> Powell ... 39		Compensation,	
Williams ... .. 38		<i>Railway.</i> Shelford ... 30		<i>Law of.</i>	
Administration Bonds.		Chamber Practice,		Ingram ... .. 35	
Chadwick ... .. 32		<i>Common Law.</i>		Shelford .. ... 30	
Admiralty,		Parkinson ... 37		Consolidation Acts.	
<i>Practice.</i> Coote ... 18		Chancery Practice.		Shelford ... .. 28	
<i>Prize Law.</i> Lushington 14		Goldsmith ... .. 21		<i>Criminal.</i> Davis ... 29	
Advowsons.		Hunter ... .. 25		Conspiracy.	
Mirehouse ... .. 47		<i>Drafting.</i> Lewis ... 24		Davis ... .. 6	
Agricultural Holdings.		Channel Islands.		<i>Law of.</i> Wright ... 36	
Bund ... .. 7		Bowditch ... .. 45		Constitution. May ... 11	
Aliens. Cutler ... .. 35		Le Craa ... .. 45		Stephen 5	
Arbitrations. Redman 39		Charitable Trusts.		Constitutional History.	
Arbitrations (Masters		Tudor ... .. 23		Fulton ... .. 10	
and Workmen).		Chart of Descents.		Contentions Business.	
Lovesy ... .. 39		Fearne ... .. 46		Tristram ... .. 34	
Articled Clerk.		Hindu, of Inheritance 46		Contentions Prabate	
Examination Journal 43		Church Building.		<i>Practice.</i>	
<i>Handy Book.</i> Mosely 26		Trower ... .. 24, 47		Tristram ... .. 34	
<i>Student's Guide.</i>		Church Seats. Heales 3, 47		Contraband of War.	
Benham 34		Circumstantial Evi-		Mosely ... .. 45	
Attachment.		dence. Wills ... .. 23		Contracts,	
<i>Foreign.</i> Brandon ... 22		Civil Law.		<i>Specific Performance.</i>	
Average, General.		Tomkins and Jencken 23		Fry ... .. 36	
Crump ... .. 31		Civil Service Exam.		Pydder ... .. 46	
Awards. Redman ... 39		(Indian). Cutler ... 44		Contributories.	
Banking. Grant ... 13		Code, English Law.		Collier ... .. 10	
Keyser ... .. 46		Blaxland ... .. 46		Conveyancing,	
Bankruptcy.		Collieries. Bainbridge.. 12		<i>Introduction to.</i>	
Bulley & Bund ... 32		Commentaries.		Lewis ... .. 21	
County Courts. Davis 9		Phillimore's, Interna-		<i>Practice.</i>	
<i>Index.</i> Linklater ... 45		tional ... .. 24		Barry ... .. 20	
Robson ... .. 18		Stephen's Blackstone's 5		Rouse ... .. 16	
Bar. Pearce ... .. 43		Commercial.		Smith ... .. 38	
Smith ... .. 38		<i>Forms.</i> Crabb ... 25		Tudor ... .. 22	
Bar Examination		<i>Law.</i> Chitty ... 46		<i>Forms.</i>	
Journal ... .. 43		<i>Treaties.</i> Hertslet ... 38		Barry ... .. 20	
Barbados, Law of ... 44		Common Form Practice.		Christie ... .. 25	
Belligerents.		Coote ... .. 7		Crabb ... .. 25	
Hamel ... .. 44		Common Law,		Kelly ... .. 11	
Phillimore ... .. 24		<i>At Chambers.</i>		Rouse ... .. 16	
Bengal Code.		Parkinson ... .. 37		Shelford ... .. 25	
<i>Regulations of the.</i> Field 41		<i>Costs.</i>		Convictions (Summary),	
Bills of Exchange.		Gray ... .. 44		<i>Synopsis of.</i> Oke ... 29	
Grant ... .. 13		<i>Pleading.</i>		<i>Forms.</i> Oke ... .. 30	
Bills of Sale. Hunt ... 36		Chitty, Jun. ... .. 37		Co-operative Societies.	
Blackstone. Stephen's 5		Greening ... .. 45		Brabrook ... .. 16	
Blockade. Deane ... 45		Williams ... .. 38		Copyholds,	
Bookkeeping, Solicitors'.				<i>Enfranchisement.</i> Rouse 26	
Coombs ... .. 32				<i>Law of.</i> Scriven ... 28	

	PAGE		PAGE		PAGE
Costs,		Evidence,		Inheritance, Indian	
<i>Law of. Gray</i> ... 44		<i>Circumstantial. Wills</i> 33		Chart of. Field ... 46	
County Courts.		<i>County Court. Davis</i> 9		Inns, Law of. Oke ... 29	
Davis ... 9		<i>Indian. Field</i> ... 41		Institutes of Public and	
<i>Rules and Acts, 1875.</i>		<i>Law of. Powell</i> ... 6		Private Law.	
Davis ... 9		<i>Wills. Wigram</i> ... 40		Nasmith ... 14	
<i>Equity and Bankruptcy.</i>		Examinations.		Insurance, Marine.	
Davis ... 9		<i>Preliminary.</i>		Crump ... 31	
Criminal Law.		Benham ... 34, 43		Intermediate Exami-	
Davis ... 39		<i>Journals</i> ... 42, 43		nation,	
Oke ... 29		<i>Intermediate and Final.</i>		<i>Guide. Bedford</i> ... 19	
Curates. Field ... 47		Mosely ... 26, 42		<i>Journal</i> ... 42	
Deeds. Tudor ... 22		Fences. Hunt ... 15		International Law.	
Descents. Pearne ... 46		Fisheries, Salmon. Bund 17		Hamel ... 44	
Dictionary, Law.		Oke ... 30, 48		Hertslet ... 33	
Mozley & Whiteley 5, 48		Foreign Attachment.		Phillimore ... 24	
Digest,		Brandon ... 22		Jersey (Law of).	
<i>House Lords Cases.</i>		Foreshores.		Bowditch ... 45	
Clark ... 20		Hunt ... 15		Le Cras ... 45	
<i>Patent Cases.</i>		Williams v. Nichol-		Joint Stock.	
Higgins ... 8		son ... 44		Banks. Grant ... 13	
Discovery of Evidence.		Forms,		Companies. Shelford 12	
Hare ... 21		<i>Conveyancing. Barry</i> ... 20		Judicature Acts.	
Divorce.		Crabb ... 25		Baxter ... 27	
<i>Practice. Browning</i> ... 38		Rouse 16		Bedford ... 19	
Domestic Servants.		County Courts. Davis 9		Chute ... 23	
Baylis ... 8		Magisterial. Oke ... 30		Rogers ... 17	
Drafting, Equity.		Probate. Chadwick 32		Webb ... 22	
Lewis ... 21		Frauds. Hunt ... 36		Jurisprudence.	
Draftsman (The)		Friendly Societies.		<i>Form of Law. Holland</i> 37	
Kelly ... 11		Brabrook ... 16		Webb ... 6	
Drainage.		Gaius' Roman Law ... 38		Justice of Peace. Oke 29	
Woolrych ... 27		Game Laws. Oke 30, 48		Labour Laws. Davis... 6	
Wilson ... 44		Gaming. Edwards ... 46		Landlord and Tenant.	
Easements. Latham ... 34		Gas Companies Acts. 36		Fawcett ... 13	
Ecclesiastical,		Gavelkind.		Law Dictionary.	
<i>Practice. Coote</i> ... 47		Robinson ... 46		Mozley & Whiteley ... 5	
<i>Judgments.</i>		General Average.		Law and Equity. Chute 23	
Burder v. Heath ... 47		Crump ... 31		Law Exam. Journal 42	
Gorham v. Bp. of Exeter 47		Guarantees. De Colyar 14		Law Pamphlets. 44, 45, 46, 47	
Hebbert v. Purchas ... 47		Health, Public.		Law Studies. Mosely ... 26	
Long v. Bp. Cape Town 47		Glen ... 37, 48		Smith ... 38	
Martin v. Mackonochie 47		Highways. Glen 37, 48		Stephen's Blackstone 5	
Westerton v. Liddell ... 47		History, Constitutional.		Leading Cases,	
Election,		Fulton ... 10		<i>Real Property. Tudor</i> 22	
Law. Davis... 27		House of Lords,		Leases. Crabb ... 25	
Elementary Law.		<i>Practice. May</i> ... 11		Rouse ... 16	
Francillon ... 44		<i>Digested Index to Cases.</i>		Legacy Duties. Shelford 26	
Mosely ... 26		Clark ... 20		Libel. Starkie ... 33	
Enfranchisement, Copy-		Idiots. Phillips... 17		Licensing Laws. Oke... 29	
holds. Rouse ... 26		Income Tax Laws.		Life Assurance.	
England,		Dowell... 40		Blayney ... 46	
<i>Laws of. Blackstone</i> ... 5		Indian Civil Service		Lord Mayor's Court.	
Stephen ... 5		Exam. Cutler ... 44		Brandon ... 22	
English Bar. Pearce ... 43		Indian Evidence. Field 41		Lords, House of, Cases.	
Smith ... 38		Cutler and Griffin ... 41		Clark ... 20	
English Law.		Indian Penal Code.		Lunacy. Phillips ... 17	
Blaxland ... 46		Field ... 41		Magisterial Law,	
Equity,		Indian Statute Law.		Acts. Davis ... 39	
<i>Doctrine and Practice of.</i>		Industrial & Provident		Practice. Oke ... 29	
Goldsmith ... 21		Societies. Brabrook 16		Forms. Oke ... 30	
Draftsman. Lewis ... 21					
<i>Equity and Law. Chute</i> 23					
Pleader. Drewry ... 34					
Prevalence of. Trower 13					
Suit in. Hunter ... 15					
See Chancery.					

	PAGE		PAGE		PAGE
Marine Insurance.		Preliminary Examination Guide and Journal	34, 43	Settlements,	
Crump ... ..	31	Principal and Surety.	De Colyar ... 14	Voluntary. Rouse ...	16
Maritime Warfare.		Priority.	Fisher ... .. 48	Sewers. Woolrych ...	27
Deane ... ..	45	Private Bills.		Sheriff. Sewell ... ..	46
Hamel ... ..	44	Clifford & Stephens ...	19	Short Hand. Gurney ...	45
Master and Servant.		May ... ..	11	Slander. Starkie ...	33
Baylis ... ..	8	Private Law (English).	Nasmith ... .. 14	Solicitors' Bookkeeping.	
Davis ... ..	6	Privilege, Parliamentary.	May ... .. 11	Coombs ... ..	32
Master and Workmen.		Privy Council Practice.	Admiralty. Coote ...	Specific Performance.	
Lovely ... ..	39	Prize Law. Lushington	34	Fry ... ..	36
Matrimonial Causes.		Probate,		Stamp Laws. Dowell ...	40
Browning ... ..	38	Common Form. Coote	7	Standing Orders. May	11
Mercantile Accounts.		Contentious. Tristram	34	Stock Exchange. Grant	13
Pulling ... ..	45	Forms. Chadwick ...	32	Keyser ... ..	46
Mercantile Law.		Duties. Shelford ...	26	Students' Examination	
Chitty ... ..	46	Property Tax Laws.		Guide. Benham ...	34
Accounts. Pulling ...	45	Dowell ... ..	40	Moxley ... ..	26
Military Law.		Provident Societies.		Succession Duty.	
Dwyer ... ..	46	Brabrook ... ..	16	Shelford ... ..	26
Mines and Minerals.		Public Health. Glen ...	37	Summary Convictions.	
Bainbridge ... ..	13	Public Law (English).		Oke ... ..	29
Mortgages. Fisher ...	48	Nasmith ... ..	14	Suit in Equity. Hunter	15
Rouse ... ..	16	Quarries. Bainbridge ...	12	Surety, Principal and.	
Municipal Law.		Railways. Shelford ...	28	De Colyar ... ..	14
Gaches ... ..	22	Compensation. Ingram	35	Tenancies, Agricultural.	
Grant ... ..	27	Carriers. Powell ...	39	Bund ... ..	
Naturalization. Cutler	35	Real Property.		Tenant, Landlord and.	
Naval Prize.		Seaborne ... ..	20	Fawcett ... ..	13
Lushington ... ..	34	Tudor ... ..	23	Time Table. Bedford ...	19
Negligence. Saunders ...	35	Chari. Fearn ... ..	46	Tithes. Schomberg ...	46
Neutrals. Phillimore ...	24	Referees' Court Practice.		Town Councillors Manual	
Ortolan's Roman Law	15	Clifford & Stephens ...	41	Gaches ... ..	22
Pamphlets, Law. 44, 45,	46, 47	Registration. Davis ...	27	Torts. Law of. Underhill	11
Parliamentary.		Religion. Church & State	47	Trades Unions. Brabrook	16
Clifford & Stephens ...	41	Ritual. Bayford ... ..	47	Treaties. Hertalet ...	33
Davis ... ..	37	Bullock ... ..	47	Trusts, Charitable.	
May ... ..	11	Hamel ... ..	47	Tudor ... ..	23
Parsonages. Trower ...	34	Phillimore ... ..	47	Turnpike Laws. Oke	30
Partnership. Dixon ...	18	Roman Law.		Vendors & Purchasers.	
Patent Cases.		Galus ... ..	38	Seaborne ... ..	20
Higgins ... ..	8	Ortolan ... ..	15	Wagers. Edwards ...	46
Patents. Norman ...	44	Tomkins ... ..	38	Water Companies Acts	36
Peerage Claims, Gardner.		Tomkins and Jencken	23	Waters. Hunt ... ..	15
Le Marchant ... ..	44	Salmon Fisheries.		Wills. Coote ... ..	7
Petty Sessions. Oke ...	29	Law of. Bund ... ..	17	Crabb ... ..	25
Pews. Heales ... ..	37, 47	Savings Banks. Grant	13	Rouse ... ..	16
Pleading,		Schools. Trower ...	34	Tudor ... ..	22
Common Law.		Sea Shore. Hunt ...	15	Wigram ... ..	40
Chitty, Jun. ... ..	27	Servants. Law of. Baylis	8	Winding-up. Collier ...	10
Greening ... ..	45			Grant ... ..	13
Williams ... ..	38			Shelford ... ..	12
Equity. Drewry ... ..	34			Window Lights. Latham	34
Lewis ... ..	31			Wrongs. Underhill ...	11
Poor Law Orders	... 32				
Precedents,					
Conveyancing. Crabb	25				
Rouse ... ..	16				
Mortgage. Fisher ...	48				
Pleading. Chitty ...	27				

## Stephen's Blackstone's Commentaries.—Seventh Edition.

4 vols. 8vo., 4l. 4s. cloth.

**MR. SERJEANT STEPHEN'S NEW COMMENTARIES ON THE LAWS OF ENGLAND**, partly founded on Blackstone. The Seventh Edition. By **JAMES STEPHEN, Esq., LL.D.**, Judge of County Courts; late Professor of English Law at King's College, London, and formerly Recorder of Poole.

*From the Law Journal.*

"We entertained no doubt in 1868 that the approbation accorded theretofore to the father would not be withheld from the son, whose name had already been connected with the Work, and whose eminence as a lawyer was an absolute guarantee that no falling off would be detected in knowledge, accuracy, diction or method. The event has shown that this expectation was well founded, and we cordially welcome the Seventh Edition of this noble and famous Work.

"It is unnecessary for us on this occasion to repeat the eulogy which six years ago we bestowed, not without just reason, on the Commentaries as they then appeared. It has been remarked that Stephen's Commentaries enjoy the special merit of being an educational work, not merely a legal text book. Their scope is so wide that every man, no matter what his position, profession, trade or employment, can scarcely fail to find in them matter of special interest to himself, besides the vast fund of general information upon which every Englishman of intelligence may draw with advantage."

*From the Solicitor's Journal.*

"A Work which has reached a Seventh Edition needs no other testimony to its usefulness. And when a law book of the size and costliness of these 'Commentaries' passes through many editions, it must be taken as established that it supplies a need felt in all branches of the profession, and probably to some extent, also, outside the profession. It is difficult indeed to name a law book of more general utility than the one before us. It is (as regards the greater part) not too technical for the lay reader, and not too full of detail for the law student, while it is an accurate and (considering its design) a singularly complete guide to the practitioner. This result is due in no small degree to the mode in which the successive editions have been revised, the alterations in the law being concisely embodied, and carefully interwoven with the previous material, forming a refreshing contrast to the lamentable spectacle presented by certain works into which successive learned editors have pitchforked headnotes of cases, thereby rendering each edition more uncon-

nected and confusing than its predecessor. As the result of our examination we may say that the new law has, in general, been accurately and tersely stated, and its relation to the old law carefully pointed out."

*From the Law Times.*

"We have in this Work an old and valued friend. For years we have had the last, the Sixth Edition, upon our shelves, and we can state as a fact that when our text books on particular branches of the Law have failed us, we have always found that Stephen's Commentaries have supplied us with the key to what we sought, if not the actual thing we required. We think that these Commentaries establish one important proposition, that to be of thorough practical utility a treatise on English Law cannot be reduced within a small compass. The subject is one which must be dealt with comprehensively, and an abridgment, except merely for the purposes of elementary study, is a decided blunder.

"Of the scope of the Commentaries we need say nothing. To all who profess acquaintance with the English Law their plan and execution must be thoroughly familiar. The learned Author has made one conspicuous alteration, confining 'Civil Injuries' within the compass of one volume, and commencing the last volume with 'Crimes,'—and in that volume he has placed a Table of Statutes. In every respect the Work is improved, and the present writer can say, from practical experience, that for the Student and the Practitioner there is no better Work published than 'Stephen's Commentaries.'"

*From the Law Examination Journal.*

"What Bacon's works are to philosophy, Blackstone's Commentaries and Stephen's Commentaries, founded on Blackstone, are to the study of English Law. For a general survey of the entire field of English Law, or, at least, for a comparative survey of different branches of law, Stephen's Commentaries are unrivalled; and we may observe that these Commentaries should not be used merely as a book of reference, they should be carefully studied."

## Mozley and Whiteley's Concise Law Dictionary.

In 1 vol. 8vo., 20s. cloth.

**A CONCISE LAW DICTIONARY**, containing Short and Simple Definitions of the Terms used in the Law. By **HERBERT NEWMAN MOZLEY, M.A.**, Fellow of King's College, Cambridge, and of Lincoln's Inn, Esq., and **GEORGE CRISPE WHITELEY, M.A.** Cantab., of the Middle Temple, Esq., Barristers at Law.

"\* \* This work, which has been for some time in preparation, gives short and simple explanations of the technical terms and phrases used in the Law, including both those found in the older legal works and those of more modern and every day occurrence; the object being to produce a book which shall be useful, not only to Law Students and to members of both branches of the Legal Profession, but also to Magistrates and the general public."

**Davis's Labour Laws of 1875.**

8vo., 12s. cloth.

**THE LABOUR LAWS OF 1875, with Introduction and Notes.**  
By J. E. DAVIS, of the Middle Temple, Esq., Barrister at Law, and late Police Magistrate for Sheffield.

"This is a class of book which is very much wanted, and should receive every encouragement. Mr. Davis says that his object has been to combine a popular comment with a strictly practical treatise. In this he has completely succeeded. The book is in every respect careful and thoughtful, it gives the best reading of the law which we have, and furnishes in *extenso* all the Acts of Parliament relating to the subject."—*Law Times*.

"Mr. Davis's book is not a reprint of the acts with a few notes, but an original and complete treatise, and it will be appreciated by those who are concerned in the working of the labour laws."—*Law Journal*.

"The Labour Laws' are the subject of a treatise by Mr. J. E. Davis which magistrates and practitioners will find useful."—*Daily News*.

"A good book on this subject should fulfil two distinct functions by no means easy to combine. It should afford a clear and untechnical explanation of the law for the benefit of the magistrates who will have to administer, and it should also contain a careful and accurate commentary on the law for the benefit of

lawyers. Mr. Davis has, in our opinion, successfully fulfilled both these requisites. Mr. Davis may be congratulated upon having produced a book which will probably become the standard work on this important subject."—*Solicitors' Journal*.

"Perhaps no one is so well qualified for the task as Mr. Davis. The work will undoubtedly increase the reputation of the author, and may be regarded as essential to all who have to administer the law."—*Capital and Labour*.

"The work is intended to be, and no doubt will become a text-book for the profession and for those who will have to administer the law."—*Beetham*.

"The best exposition that we know of, of the Labour Laws of the country."—*Echo*.

"A new and important work on the Labour Laws. Mr. Davis's special knowledge of these statutes eminently fits him for the work."—*Sheffield Daily Independent*.

"We can only assure our readers that we conscientiously estimate the work as one upon the possession of which they will congratulate themselves."—*Irish Law Times*.

**Powell on Evidence. 4th Edition. By Cutler & Griffin.**

Post 8vo., 18s. cloth.

**POWELL'S PRINCIPLES AND PRACTICE OF THE LAW OF EVIDENCE.** Fourth Edition. By J. CUTLER, B.A., Professor of English Law and Jurisprudence, and Professor of Indian Jurisprudence at King's College, London; and E. F. GRIFFIN, B.A., Barristers at Law.

\* \* \* This edition contains the alterations necessary to adapt it to the practice under the Judicature Acts, as well as other material additions.

"The plan adopted is, we think, an admirable one for a concise, handy book on the subject. Such maxims as, that hearsay is inadmissible, are given at the head of the chapter in large type, and then follow the explanation and application of the general rule. As the book is primarily for the use of students intending to go to India, the references to Indian law are numerous; but as the Indian law of evidence very closely follows our own the book is useful to all students, and even where there is a divergence between the two systems it is generally instructive to trace it. The Indian code of evidence given at the end of the book deserves to be read by every student, whether going to India or not. The few rules of the English law of evidence which are purely statutory are also given verbatim, including the two orders of the Judicature Act, 1875, which appear to be correctly appreciated. The present form of Powell on Evidence is a handy, well-printed and carefully prepared edition of a book of deserved reputation and authority."—*Law Journal*.

"The editors of this work put forward 'no claim to that exhaustiveness which other works dealing with the law of evidence aim at.' Their desire, on the contrary, is to 'adhere to the principle' of their author 'of not overloading the book with cases.' We heartily approve the principle; which, however, is somewhat difficult of application. We must add, however, that in most instances the cases are tersely abstracted, and the convenience of the reader is consulted by

references to more than one set of reports. The plan of the book is to give pretty frequently, and, as far as we can discover, in almost every chapter, a 'rule' of general application, and then to group the cases round it. These rules or axioms are printed in a distinctive type. The work has been pruned and remodelled by the light of the Judicature Acts. The authors give in an appendix the Indian Evidence Acts, with some Indian decisions thereupon, and occasionally notice these acts in the text. On the whole we think this is a good edition of a good book. It brings down the cases to the latest date, and is constructed upon a model which we should like to see more generally adopted."—*Solicitors' Journal*.

"We have received the fourth edition of 'Powell's Principles and Practice of the Law of Evidence,' by Cutler and Griffin. We are informed in the preface that the results of the Judicature Acts as regards evidence have been duly noted, whilst the work itself has been rendered more comprehensive. It is an excellent summary of principles."—*Law Times*.

"There is hardly any branch of the law of greater interest and importance, not only to the profession, but to the public at large, than the law of evidence. On this branch of the law, moreover, as well as on many others, important changes have been effected of recent years. We are, therefore, all the more inclined to welcome the appearance of the Fourth Edition of this valuable work."—*Law Examination Journal*.

**Coote's Probate Practice.—Seventh Edition.**

In 1 vol., 8vo., 25s. cloth.

**THE COMMON FORM PRACTICE OF THE HIGH COURT OF JUSTICE IN GRANTING PROBATES AND ADMINISTRATIONS.** By HENRY CHARLES COOTE, F.S.A., late Proctor in Doctors' Commons, Author of "The Practice of the Ecclesiastical Courts," &c., &c., Seventh Edition.

\*.\* *The Forms as printed in this work are in strict accordance with the Orders of Court and Decisions of the Right Hon. Sir James Hannen, and are those which are in use in the Principal Registry of the Probate Divisional Court.*

"In less than twenty years the work has reached a seventh edition, and this new edition finds its *raison d'être* in the changes introduced by the Judicature Acts. It need hardly be stated that these acts have effected very slight alterations in Common Form Business in probate beyond the mode of entitling affidavits, orders and other documents used in the procedure in this class of business. Mr. Coote has also set forth so much of the recent legislation as merged the Court of Probate in the High Court of Justice, and has explained the effects of such legislation as regards the subject matter of his book. He has also amended his forms in obedience to the new law. The edition, so far as Common Form Business is concerned, maintains the reputation of the work, and in the present day, when every solicitor conducts probate business, will doubtless command the same popularity as

those editions which have preceded it."—*Law Journal on the 7th Ed.*

"A fifth edition in so short a time is a success that few law books can boast, and it is well deserved. Mr. Coote as a proctor possesses that intimate acquaintance with the minutiae of practice which experience only can supply. Having noticed its successive editions as they appeared, it remains only to say that it brings down the statutes and cases to the present time."—*Law Times on the 5th Ed.*

"We must not omit to praise the complete character of the Appendix, which, occupying more than half the whole work, presents us with the statutes, the orders in council, rules and fees, tables of costs and forms, and leaves nothing to be desired by the proctor or solicitor either in the routine of common form or in the stages of suits."—*Law Journal on the 6th Ed.*

**Bund's Agricultural Holdings Act, 1875.**

Demy 12mo., 5s. cloth.

**THE LAW OF COMPENSATION FOR UNEXHAUSTED AGRICULTURAL IMPROVEMENTS,** as amended by the Agricultural Holdings (England) Act, 1875. By J. W. WILLIS BUND, M.A., of Lincoln's Inn, Barrister at Law, Author of "The Law relating to Salmon Fisheries in England and Wales," &c.

"It will be found very serviceable to all those who have to administer the Agricultural Holdings Act of last session, and by all practically interested in it, whether as landlords, tenants or valuers."—*Daily News.*

"It is the act of parliament so simplified and explained that the summary here given cannot be otherwise than a boon to landlords and tenants. A more complete volume never came under our notice."—*Worcester Herald.*

"Mr. Bund has placed the agricultural world under a debt of obligation by the opportune publication of a commentary on the law of compensation for unexhausted improvements. The work is designed for popular use; it is intended to show in what position recent legislation has placed both landlords and tenants, and this end it effectually attains."—*Berrow's Worcester Journal.*

"This is a simple and useful summary of the provisions of the present statutes on this subject, with orders and forms for practical application."—*Standard.*

"It contains clear statements and explanations which will enable any farmer or landowner to understand precisely what are the conditions at present existing as to compensation for improvements by law and by custom of the country."—*Chamber of Agriculture Journal.*

"Mr. Bund's book is a useful work for land agents, and is especially interesting when

treating of the customs in various localities."—*Estates Gazette.*

"The book is, on the whole, a very useful one, its author having wisely kept it clear of needless technicalities, as he intends it not for lawyers but for laymen, that is, for landowners, farmers, land stewards and the like. All who have any interest in landed property may read it to advantage."—*Land and Water.*

"We hope that this little book may realize the anticipations of its author, and be of service to the classes for whose use it has been specially designed."—*The Field.*

"Mr. Willis Bund has compressed into a simple and convenient form, the information needful for understanding the bearing of the Agricultural Holdings Act on the law of compensation for unexhausted improvements."—*Saturday Review.*

"Mr. Bund has made plain to all ordinary understandings the whole bearing, interpretation and effect of the new law. All who are interested, on either side, should become possessed of this most lucid and valuable treatise."—*Worcester Chronicle.*

"This is a popular exposition of the Agricultural Holdings Act of last session, and will be valuable to those interested in this important matter. We may congratulate Mr. Bund on having laid the law down very clearly to the lay mind."—*Gardeners' Chronicle.*

## Higgins's Digest of Patent Cases.

8vo., 21s. cloth.

**A DIGEST** of the REPORTED CASES relating to the Law and Practice of LETTERS PATENT for INVENTIONS, decided from the passing of the Statute of Monopolies to the present time. By CLEMENT HIGGINS, M.A., F.C.S., of the Inner Temple, Barrister at Law.

"Mr. Higgins tells us in his preface that no opinion is expressed upon the cases digested, and no attempt is made to reconcile conflicting decisions. Such an attempt would have failed, and have been out of place in a digest. Mr. Higgins's work will be useful as a work of reference. Upwards of 700 cases are digested: and, besides a table of contents, there is a full index to the subject matter; and that index, which greatly enhances the value of the book, must have cost the author much time, labour and thought."—*Law Journal*.

"This is essentially," says Mr. Higgins in his preface, "a book of reference." It remains to be added whether the compilation is reliable and exhaustive. It is only fair to say that we think it is; and we will add, that the arrangement of subject matter (chronological under each heading, the date, and double or even treble references being appended to every decision), and the neat and carefully executed index (which is decidedly above the average) are such as no reader of a essentially a book of reference could quarrel with."—*Solicitors' Journal*.

"On the whole Mr. Higgins's work has been well accomplished. It has ably fulfilled its object by supplying a reliable and authentic summary of the reputed patent law cases decided in English courts of law and equity, while presenting a complete history of legal doctrine on the points of law and practice relating to its subject."—*Irish Law Times*.

"Mr. Higgins has, with wonderful and accurate research, produced a work which is much needed, since we have no collection of patent cases which does not terminate years ago. There is not any branch of the law in which analysis is so likely to prove the safe mode of exposition as the patent law. The work is well arranged, and gives brief, though comprehensive, statements of the various cases decided. We consider, too, if an inventor furnishes himself with this Digest and a little treatise on the law of patents, he will be able

to be as much his own patent lawyer as it is safe to be."—*Scientific and Literary Review*.

"Mr. Higgins's object has been to supply a reliable and exhaustive summary of the reported patent cases decided in English courts of law and equity, and this object he appears to have attained. The classification is excellent, being, as Mr. Higgins very truly remarks, that which naturally suggests itself from the practical working of patent law rights. The lucid style in which Mr. Higgins has written his Digest will not fail to recommend it to all who may consult his book; and the very copious index, together with the table of cases, will render the work especially valuable to professional men."—*Mining Journal*.

"The appearance of Mr. Higgins's Digest is exceedingly opportune. The plan of the work is definite and simple. We consider that Mr. Higgins, in the production of this work, has met a long felt demand. Not merely the legal profession and patent agents, but patentees, actual or intending inventors, manufacturers and their scientific advisers, will find the Digest an invaluable book of reference."—*Chemical News*.

"The arrangement and condensation of the main principles and facts of the cases here digested render the work invaluable in the way of reference."—*Standard*.

"The work constitutes a step in the right direction, and is likely to prove of much service as a guide, a by no means immaterial point in its favour being that it includes a number of comparatively recent cases."—*Engineer*.

"Mr. Higgins has given us, in a very natural and convenient order, the recorded decisions of the courts of law and equity in every branch of this great and difficult subject. From these decisions the state of the law upon any point connected with patents may be deduced. In fine, we must pronounce the book as invaluable to all whom it may concern."—*Quarterly Journal of Science*.

## Baylis's Law of Domestic Servants.—By Monckton.

Foolscap 8vo., 2s. cloth.

**THE RIGHTS, DUTIES and RELATIONS of DOMESTIC SERVANTS and their MASTERS AND MISTRESSES.** With a short Account of the Servants' Institutions, &c. and their advantages. By T. HENRY BAYLIS, M.A., of Brasenose College, Oxford, Barrister at Law of the Inner Temple. Fourth Edition, with considerable Additions, by EDWARD P. MONCKTON, Esq., B.A., of Trinity College, Cambridge, Barrister at Law of the Inner Temple.

"An excellent manual of the subject of which it treats."—*Law Times*.

"This little work thoroughly deserves the success it has gained. It contains in a small

compass the law on the important subject to which it relates. This volume will be found a convenient handbook to the leading authorities on the subject."—*Solicitors' Journal*.

**Davis's County Courts Practice and Evidence.**

Fifth Edition. 8vo., 38s. cloth.

**THE PRACTICE AND EVIDENCE IN ACTIONS IN THE COUNTY COURTS.** By JAMES EDWARD DAVIS, of the Middle Temple, Esq., Barrister at Law. Fifth Edition.

\*.\* This is the only work on the County Courts which gives Forms of Plaints and treats fully of the Law and Evidence in Actions and other Proceedings in these Courts.

"We are glad to learn that Mr. Davis's work has been favourably received. The recent decisions have been important and required noting up. This has been Mr. Davis's task in the edition before us; we recently had occasion to cite his reading of *Horsenail v. Brace* on the subject of imprisonment for debt, and that is a good specimen of the annotations in the last edition. We believe Mr. Davis's is the best and newest work on County Court Practice."—*Law Times*.

"Mr. Davis's works are all conspicuous for clearness and accuracy. He has been called upon to publish a fifth edition of his County Courts by reason of the sale of the former one. This is a practical test of the utility of the work, which is of more value than any theoretical criticism. The Index, List of Cases and of Statutes are most complete and elaborate, and every assistance in the way of distinctness and variety of type is given to the reader. The present edition will fully sustain the well-earned reputation of the work. The

excellence of the work consists in the very marvellous amount which it does include. The Indices show that more than 2,000 cases are quoted in it, and about 1,000 sections of statutes. About 200 forms are also given."—*Solicitors' Journal*.

"Upon looking into this fifth edition we find that the author has carefully noted and incorporated all the recent decisions of the Courts of Westminster on matters directly and indirectly affecting the County Courts. Some idea of the magnitude of Mr. Davis's labours may be formed from the fact that his List of Cases cited fills thirty-one pages of two columns each. There is an excellent Index to the book and a Table of Statutes, Rules and Forms arranged on a novel and very skillful plan. It is hardly necessary for us to sum up in favour of a book which is so popular that the several editions of it pass rapidly out of print. All we need say is, that the verdict of the purchasing public has our entire approbation."—*Law Journal*.

*Supplement to Davis's County Courts.***County Court Rules and Acts of 1875.**

Just ready, uniform with the above, 8vo., cloth.

**THE COUNTY COURT RULES, 1875, with Forms and Scales of Costs and Fees**; together with the County Courts Act, 1875, the Agricultural Holdings Act, 1875, and the Provisions of the Friendly Societies Act, 1875, and of other recent Statutes affecting the Jurisdiction of the County Courts. Forming a SUPPLEMENT TO DAVIS'S COUNTY COURT PRACTICE AND EVIDENCE, as also to the same author's Practice in Equity, Bankruptcy, &c.

\*.\* This edition of the County Court Rules and Acts of 1875 has been so arranged as to render it complete in itself, and being also furnished with an exhaustive Index, as well as references to Davis's Practice in the County Courts, 2 vols., it brings down the last published edition of the same (the Fifth) to the present time.

**Davis's Equity, Bankruptcy, &c. in the County Courts.**

8vo. 18s. cloth.

The JURISDICTION and PRACTICE of the COUNTY COURTS in EQUITY, ADMIRALTY, PROBATE and ADMINISTRATION CASES, and in BANKRUPTCY. By J. E. DAVIS, of the Middle Temple, Esq., Barrister at Law.

\*.\* This work, although issued separately, forms a Supplementary or Second Volume to Davis's County Courts Practice and Evidence in Actions.



## Fulton's Manual of Constitutional History.

Post 8vo., 7s. 6d. cloth.

A MANUAL OF CONSTITUTIONAL HISTORY, founded upon the Works of Hallam, Creasy, May and Broom, comprising all the fundamental principles and the leading cases in Constitutional Law. By FORREST FULTON, LL.B., B.A., University of London, and of the Middle Temple, Esq., Barrister-at-Law.

"Copious use has been made by Mr. Fulton of all the leading authorities on the subject, and he writes clearly and intelligibly. There is a full and carefully prepared index."—*Law Times*.

"We can fairly say the book is well done, and the object of aiding the student in his first entry on the wide field of Constitutional Law and History is attained."—*The Law*.

"Mr. Fulton appears to have taken great pains to make it thoroughly useful and reliable."—*Civil Service Gazette*.

"For practical information and for student's purposes Mr. Fulton's is by far the best Manual of Constitutional History with which we are acquainted."—*Irish Law Times*.

"So far as it goes, it is not without merit. The former part is written with care and clearness. Notwithstanding defects, we think Mr. Fulton's a fairly good elementary manual."—*Solicitors' Journal*.

"The general reader will be much pleased

with the chapters on the privileges of parliament."—*Standard*.

"A good reference book, as well as a book that ought to be read in the first instance straight through."—*John Bull*.

"The author has spared no pains, and has succeeded in the somewhat difficult task of presenting the results of a wide range of reading in a well-digested form. Mr. Fulton may be congratulated upon very successful accomplishment of a by no means easy task: his book supplies a felt want."—*Public Opinion*.

"Mr. Fulton has compiled a Manual of Constitutional History to aid beginners in their studies: the extracts he has given from his authorities appear to be well chosen."—*Daily News*.

"It is useless for an ordinary student simply to read a ponderous work on the Constitution, unless at the same time he is able to assimilate its results. Mr. Fulton has recognised this difficulty, and the result is the truly admirable little manual to which we call the attention of our readers."—*Canadian News*.

## Collier's Law of Contributories.

Post 8vo., 9s. cloth.

A TREATISE ON THE LAW OF CONTRIBUTORIES in the Winding-up of Joint Stock Companies. By ROBERT COLLIER, of the Inner Temple, Esq., Barrister at Law.

"Mr. Collier has collected with praiseworthy industry the cases relating to the subject of his work, and he has arranged them with considerable skill. Mr. Collier's general arrangement appears to have been carefully devised, and is probably as neat as the nature of the subject admits of. It is impossible after a perusal of the book to doubt that the author has honestly studied the subject, and has not contented himself with the practice of piecing together head notes from reports."—*Solicitors' Journal*.

"We invite the attention of the profession to its merits as a collection and Digest of the Cases relating to the liability of persons to be made contributories. Mr. Collier has not shrunk from pointing out his views as to the reconcilability of apparently conflicting decisions or as to many points on which the law is still unsettled; without making any quotations for the purpose of illustrating the above remarks, we think we are justified in commending this treatise to the favourable consideration of the profession."—*Law Journal*.

"In these days of unlimited speculation the legal position of contributories must be a matter of personal interest to a great many people; and Mr. Robert Collier's treatise on the subject deserves attention beyond the limits of his profession. The chapter showing the modes in which liability may be incurred is full of instructive warning."—*Saturday Review*.

"This work he has done very thoroughly, and the scope of the treatise is far wider than the author has laid down in his preface. There is probably no branch of the law of contracts more difficult and intricate than this of contribution, and the cases quoted by Mr. Collier

are treated with great discrimination, so that the book enables a man who has not made the subject a matter of special study to advise with comparatively small trouble to himself. This is the advantage of writers devoting themselves to what we may call the byways of the law—a dangerous track for the weakly, the infirm, or the unaccustomed, but light and easy enough with such a guide as Mr. Collier. Laymen may also learn from the work the exact liability which they incur before entering into contracts, and thus avoid the chance of ruin."—*Irish Law Times*.

"The work is clearly and vigorously written, and Mr. Collier has managed to put a great deal of information into a small space. The book will be found to be a useful addition to the list of treatises on a branch of the law which has grown immensely since 1862."—*Athenaeum*.

"Mr. Collier has carried out his intention, and has produced a work of great utility."—*The Law*.

"The perplexity of the laws relating to personal liability, naturally suggests a collection of precedents and cases which may be considered settled, and of direct application to the generality of cases; and this the author appears to have done with success, as far as we can judge of the merit of the work."—*Standard*.

"This is a valuable legal work, which should be in the hands of all speculators in the formation of new ventures in the shape of joint stock companies and associations. It is important that such persons should know the exact position they assume, in a legal point of view, and this they will be enabled to do by a perusal of this work, written by a barrister of some repute."—*Bullionist*.

## Sir T. Erskine May's Parliamentary Practice.—7th Edit.

One very thick volume 8vo., 40s. cloth.

**A TREATISE on the LAW, PRIVILEGES, PROCEEDINGS and USAGE of PARLIAMENT.** By Sir THOMAS ERSKINE MAY, D.C.L., K.C.B., Clerk of the House of Commons and Bench of the Middle Temple. Seventh Edition, Revised and Enlarged.

**CONTENTS:**—Book I. Constitution, Powers and Privileges of Parliament.—Book II. Practice and Proceedings in Parliament.—Book III. The Manner of Passing Private Bills, with the Standing Orders in both Houses, and the most recent Precedents.

"A work, which has risen from the position of a text book into that of an authority, would seem to a considerable extent to have passed out of the range of criticism. It is quite unnecessary to point out the excellent arrangement, accuracy and completeness which long ago rendered Sir T. E. May's treatise the standard work on the law of Parliament. Not only are points of Parliamentary law discussed or decided since the publication of the last edition duly noticed in their places, but the matter thus added is well digested, tersely presented and carefully interwoven with the text."—*Solicitors Journal*.

"Fifty pages of new matter have been added by Sir Thomas May in his seventh edition, thus comprising every alteration in the law and practice of Parliament, and all material precedents relating to public and private business since the publication of the sixth edition. We need make no comment upon the value of the work. It is an accepted authority and is undeniably the law of Parliament. It has been brought up to the latest date, and should be in the hands of every one engaged in Parliamentary life, whether as a lawyer or as a senator."—*Law Times*.

## Underhill's Law of Torts or Wrongs.

Post 8vo., 6s. cloth.

**A SUMMARY OF THE LAW OF TORTS OR WRONGS INDEPENDENT OF CONTRACT,** for the use of Students and Practitioners. By ARTHUR UNDERHILL, B.A., of Lincoln's Inn, Esq., Barrister at Law.

"Mr. Underhill states that his chief aim has been to write for the student, but many who have passed their pupillage and are now enjoying the advantages of considerable practice, may consult these pages with advantage. Mr. Underhill places before his readers broad principles or rules of law, which he illustrates by cases falling under them, so that they are placed before the mind in a manner most impressive. Exceptions are not omitted, and the rules are, when necessary, elucidated by sub-rules. The plan is a good one, and has been honestly carried out, and a good index facilitates reference."—*Justice of the Peace*.

"Mr. Underhill's ability in making a clear digest of the subject treated of in this volume is conspicuous. Many works would have to be consulted for the information here concisely given, so that practitioners as well as students will find it useful."—*News of the World*.

"Mr. Underhill, in his work, gives us an example of how clearly and concisely so difficult and intricate a branch of Law as that of Torts can be set out. He has compressed into a small work a vast amount of information, and his book is so clearly written that it is easily comprehensible. To the Law Student, for whom it is more particularly written, it may be recommended

both for its simplicity and accuracy."—*Morning Advertiser*.

"We strongly recommend the manual to students of both branches of the profession."—*Preliminary Examination Journal*.

"A work which will, we think, be found instructive to the beginner, and a useful handbook for the practitioner in Local Courts."—*Public Opinion*.

"He has set forth the elements of the law with clearness and accuracy. The little work of Mr. Underhill is inexpensive, and may be generally relied on."—*Law Times*.

"A handybook of the law affecting wrongs independent of contract."—*The Echo*.

"Mr. Underhill has here supplied a want long felt in legal treatises, and has entirely, by the present excellent volume, superseded the antiquated work of Mr. Addison, which was totally unfit for practical purposes."—*Standard*.

"This is a very useful little book on the law of Torts. The book is intended for the student who desires to have principles before entering into particulars, and we know no book on the subject so well adapted for the purpose."—*Law Examination Reporter*.

## Kelly's Conveyancing Draftsman.

Post 8vo., 6s. cloth.

**THE DRAFTSMAN:** containing a Collection of Concise Precedents and Forms in Conveyancing; with Introductory Observations and Practical Notes. By JAMES HENRY KELLY.

"This is a thoroughly practical book, designed for the solicitor and the student. Mr. Kelly has rightly conceived the duties of a conveyancer; and his short introductory recommendations should be attentively considered by all who are anxious to become safe draftsmen. The author gives a few forms under each heading, confining himself to such as are likely to be of everyday use in the office. This volume ought to be popular, as it combines law and practice."—*Law Times*.

"Mr. Kelly's object is to give a few precedents of each of those instruments which are most commonly required in a solicitor's office, and for which precedents are not always to be met with in the ordinary books on conveyancing. The idea is a good one, and the precedents contained in the

book are, generally speaking, of the character contemplated by the author's design. We have been favourably impressed with a perusal of several of the precedents in this book; and practitioners who have already adopted forms of their own will probably find it advantageous to collate them with those given by Mr. Kelly. Each set of precedents is prefaced by a few terse and practical observations."—*Solicitors Journal*.

"Such statements of law and facts as are contained in the work are accurate."—*Law Journal*.

"It contains matter not found in the more ambitious works on conveyancing, and we venture to think that the student will find it a useful supplement to his reading on the subject of conveyancing."—*Law Examination Journal*.

## Bainbridge's Law of Mines and Minerals.—3rd Edit.

8vo., 30s. cloth.

A TREATISE on the LAW of MINES and MINERALS. By WILLIAM BAINBRIDGE, Esq., F.G.S., of the Inner Temple, Barrister at Law. Third Edition, carefully revised, and much enlarged by additional matter relating to manorial rights—rights of way and water and other mining easements—the sale of mines and shares—the construction of leases—cost book and general partnerships—injuries from undermining and inundations—barriers and working out of bounds. With an Appendix of Forms and Customs and a Glossary of English Mining Terms.

"When a work has reached three editions, criticism as to its practical values superfluous. We believe that this work was the first published in England on the special subject of mining law—others have since been published—but we see no reason in looking at the volume before us to believe that it has yet been superseded."—*Law Magazine*.

"Mr. Bainbridge was we believe the first to collect and publish, in a separate treatise, the Law of Mines and Minerals, and the work was so well done that his volume at once took its place in the law library as the text book on the subject to which it was devoted. This work must be already familiar to all readers whose

practice brings them in any manner in connection with mines or mining, and they will know its value. We can only say of this new edition that it is in all respects worthy of its predecessors."—*Law Times*.

"It would be entirely superfluous to attempt a general review of a work which has for so long a period occupied the position of the standard work on this important subject. Those only who, by the nature of their practice, have learned to lean upon Mr. Bainbridge as on a solid staff, can appreciate the deep research, the admirable method, and the graceful style of this model treatise."—*Law Journal*.

## Shelford's Companies.—2nd Edit. by Pitcairn and Latham.

8vo., 21s. cloth.

SHELFORD'S LAW OF JOINT STOCK COMPANIES; containing a Digest of the Case Law on that subject; the Companies Acts, 1862, 1867, and other Acts relating to Joint Stock Companies; the Orders made under those Acts to regulate Proceedings in the Court of Chancery and County Courts, and Notes of all Cases interpreting the above Acts and Orders. Second Edition, much enlarged, and bringing the Statutes and Cases down to the date of publication. By DAVID PITCAIRN, M.A., Fellow of Magdalen College, Oxford, and of Lincoln's Inn, Barrister at Law; and FRANCIS LAW LATHAM, B.A., Oxon, of the Inner Temple, Barrister-at-Law, author of "A Treatise on the Law of Window Lights."

"We may at once state that, in our opinion, the merits of the work are very great, and we confidently expect that it will be at least for the present the standard manual of joint stock company law. That great learning and research have been expended by Mr. Pitcairn no one can doubt who reads only a few pages of the book; the result of each case which has any bearing upon the subject under discussion is very lucidly and accurately stated. We heartily congratulate him on the appearance of this work, for which we anticipate a great success. There is hardly any portion of the law at the present day so important as that which relates to joint stock companies, and that this work will be the standard authority on the subject we have not the shadow of a doubt."—*Law Journal*.

"After a careful examination of this work we are bound to say that we know of no other which surpasses it in two all-important attributes of a law book: first, a clear conception on the part of the author of what he intends to do and how he intends to treat his subject; and secondly, a consistent, laborious and intelligent adherence to his proposed order and method. All decisions are noted and epitomised in their proper places, the practice-decisions in the notes to Acts and Rules, and the remainder in the

introductory account or digest. In the digest Mr. Pitcairn goes into everything with original research, and nothing seems to escape him. It is enough for us that Mr. Pitcairn's performance is able and exhaustive. Nothing is omitted, and everything is noted at the proper place. In conclusion we have great pleasure in recommending this edition to the practitioner. Whoever possesses it, and keeps it noted up, will be armed on all parts and points of the law of joint stock companies."—*Solicitors' Journal*.

"Although nominally a second edition of Mr. Shelford's treatise, it is in reality an original work, the form and arrangement adopted by Mr. Shelford have been changed and, we think, improved by Mr. Pitcairn. A full and accurate index also adds to the value of the work, the merits of which, we can have no doubt, will be fully recognised by the profession."—*Law Magazine*.

"This book has always been the *ode mecum* on company law, and will, apparently, long continue to occupy that position. It is perhaps even more useful to the legal practitioner than to the man of business, but still it is the best source of information to which the latter can go."—*Financial and Money Market Review*.

**Trower's Prevalence of Equity.**

Just ready, 8vo., 5s. cloth.

**A MANUAL OF THE PREVALENCE OF EQUITY** under Section 25 of the Judicature Act, 1873, amended by the Judicature Act, 1875. By CHARLES FRANCIS TROWER, Esq., M.A., of the Inner Temple, Barrister at Law, late Fellow of Exeter College, and Vinerian Law Scholar, Oxford; Author of "The Law of Debtor and Creditor," "The Law of the Building of Churches and Divisions of Parishes," &c.

**Fawcett's Law of Landlord and Tenant.**

8vo., 14s. cloth.

**A COMPENDIUM of the LAW of LANDLORD and TENANT.** By WILLIAM MITCHELL FAWCETT, of Lincoln's Inn, Esq., Barrister at Law.

"It never wanders from the point, and being intended not for students of the law, but for lessors and lessees and their immediate advisers, wisely avoids historical disquisitions, and uses language as untechnical as the subject admits. It may safely be assumed to contain information on all the ordinary questions which either contracting party may require to be answered."—*Law Journal*.

"The author has succeeded in compressing the whole of his subject within the reasonable compass of 373 pages. It may roughly be said of Mr. Fawcett's work, that it is statutory throughout, in accordance with the predominant character of the law at the present day; and Mr. Fawcett takes advantage of this characteristic of modern law to impart to his compendium a degree of *authenticity* which greatly enhances its value as a convenient medium of reference, for he has stated the law in the very words of the authorities. We have discovered plain utility to be the aim and end of Mr. Fawcett's treatise."—*Law Magazine*.

"The amount of information compressed into the book is very large. The plan of the book is extremely good, and the arrangement adopted has

enabled the author to put together in one place the whole law on any particular branch of the subject, and to avoid repetitions. Thus not only is it easy to find what the author has to say on any particular point, but when we have found a reference to it in one place, we may be satisfied that we have found all the book contains upon the point. In this respect, though probably from its smaller size it must contain less information than Woodfall, it will be found far more convenient for ordinary use than that treatise."—*Solicitors' Journal*.

"He contents himself with a plain statement of the existing law, prudently omitting all matters of merely historical interest and topics collateral to the special subjects. Above all, it has been his purpose to state the law in the language of the authorities, presenting the principles enunciated in the very words of the judges. Another excellent feature is a concise summary of the effect of each enactment in the marginal notes. It will be seen from this that the book is thoroughly practical, and, as such, will doubtless find a favorable reception from the profession."—*Law Times*.

**Grant's Bankers and Banking Companies.—Third Edit.**

By R. A. FISHER.

8vo., 28s. cloth.

**GRANT'S TREATISE ON THE LAW RELATING TO BANKERS AND BANKING COMPANIES.** Third Edition. With an Appendix of the Statutes. By R. A. FISHER, Esq., Judge of County Courts.

"Eight years sufficed to exhaust the second edition of this valuable and standard work, we need only now notice the improvements which have been made. We have once more looked through the work, and recognize in it the sterling merits which have acquired for it the high position which it holds in standard legal literature. Mr. Fisher has annotated all the recent cases."—*Law Times*.

"Prior to the publication of Mr. Grant's work on this subject, no treatise containing the required information existed; and, since its appearance, such important alterations respecting banks and bankers have been introduced, that the work needed in many parts entire reconstruction and arrangement. The last two editions have been entrusted to the care of the gentleman whose name is attached to the work. Mr. Fisher's name is in itself a guarantee that his duties of editor have been ably and conscientiously performed. In this respect we can assure those interested in the

subject of this book, that they will in no respect be disappointed; obsolete and immaterial matter has been eliminated, and the present edition presents the existing law of bankers and banking companies as it at present exists."—*Justice of the Peace*.

"It is eight years since Mr. Fisher published the second edition of this practical book, and it now appears again re-edited by the same hand. Its steady sale shows that the public for whom it is written have recognized the kindness that was meant them, and makes a more elaborate recommendation superfluous. We must add, however, that the additions to the work, and the alterations in it which Mr. Fisher has made, are, as far as we can judge, real improvements, and that he has not failed to follow out the recent cases. The book used with care will no doubt be of great practical service to bankers and their legal advisers."—*Solicitors' Journal*.

## De Colyar's Law of Guarantees.

8vo., 14s. cloth.

A TREATISE ON THE LAW OF GUARANTEES AND OF PRINCIPAL AND SURETY. By HENRY A. DE COLYAR, of the Middle Temple, Esq., Barrister at Law.

"He has so treated the subject that, after careful examination, we are constrained to commend his book alike for its fulness and for its brevity. The result is a volume every practitioner should place upon his shelves, and which he cannot consult without advantage when settling a form or giving an opinion upon questions between guarantor and guarantee. Mr. Colyar's work contains internal evidence that he is quite at home with his subject. His book has the great merit of thoroughness. Hence its present value, and hence we venture to predict will be its enduring reputation."—*Law Times*.

"The whole work displays great care in its

production; it is clear in its statements of the law, and the result of the many authorities collected is stated with an intelligent appreciation of the subject in hand."—*Justice of the Peace*.

"This book has been compiled with very considerable care and pains, and we must speak highly of the praiseworthy diligence and assiduity with which the author has endeavoured to reason out the subject. This treatise will prove useful as a manual on a subject not hitherto fully treated of."—*Solicitors' Journal*.

"The volume before us is a very clear and trustworthy statement of the present bearing and scope of the law on all such questions."—*Standard*.

## Nasmith's Institutes.

Post 8vo., 12s. cloth.

THE INSTITUTES of ENGLISH PUBLIC LAW, embracing an Outline of General Jurisprudence, the Development of the British Constitution, Public International Law, and the Public Municipal Law of England. By DAVID NASMITH, Esq., LL.B., of the Middle Temple, Barrister at Law, Author of "The Chronometrical Chart of the History of England," &c.; Joint Translator of Ortolan's "History of Roman Law."

"We believe the plan of the book is the right one. We have only to add that we know of no book which, in our opinion, might more

fifty, or perhaps so fifty, be placed in the hands of a beginner in the study of law."—*Law Magazine*.

2 vols. or books, post 8vo., 21s. cloth.

THE INSTITUTES of ENGLISH PRIVATE LAW, embracing an Outline of the Substantive Branch of the Law of Persons and Things. Adapted to the New Procedure. By DAVID NASMITH, LL.B., of the Middle Temple, Barrister at Law, Author of "Institutes of English Public Law," &c., &c.

"The author has most advisedly kept the body of his work as far as possible free from legal history, which would have only encumbered an elementary book of this kind, and would in fact have spoiled that simplicity of detail which is the salient point of Mr. Nasmith's Institutes. . . . The book is thoroughly worked out, so as to be of the utmost service in every respect to the reader. . . . We can confidently recommend this hand book to the public at large."—*Law Journal*.

"In his account of tenures, titles and estates Mr. Nasmith is particularly happy, and we think his second volume, treating of things, is, for its size, more complete and clear in its exposition of the law of property than any manual with which we are acquainted. The plan and execution of the work in its material and essential parts are excellent."—*Irish Law Times*.

"These volumes must be judged as a purely elementary treatise, and from this point of view the author is to be congratulated on his success in condensing his subject into such narrow limits without being obscure and without, as far as we can judge, making any very serious omissions."—*Public Opinion*.

"It embraces within little space a description of the several branches of our jurispru-

dence into which the writer has found it advisable to divide it. The great feature of the work is its systematic order; it crushes the subject into shape, and covers it with a coating of technical description quite suitable for the digestion of students accustomed to legal terms."—*Economist*.

"Great credit is due to him for the painstaking care with which he has prepared the volumes before us. As a scientific text-book it well deserves the attention of the student."—*The Scotsman*.

"This book will be like its predecessor, not only a great boon to the student of law, but will also assist the reading of all who desire to add some acquaintance with English law to their stock of general information."—*The Record*.

"Mr. Nasmith's 'Institutes of Private Law' is a very careful and popular compilation."—*Daily News*.

"In these volumes, dedicated to the Lord Chancellor, Mr. Nasmith gives an elementary, though detailed, exposition of the substantive branch of English private law, the subject being divided into two books, which treat respectively of the law of persons and the law of things. Altogether the treatise is a capital one."—*Standard*.

**Hunter's Suit in Equity.—Sixth Edition.**

Post 8vo., 12s. cloth.

**AN ELEMENTARY VIEW of the PROCEEDINGS in a SUIT in EQUITY.** With an Appendix of Forms. By SYLVESTER J. HUNTER, B.A., of Lincoln's Inn, Barrister at Law. Sixth Edition. By G. W. LAWRENCE, M.A., of Lincoln's Inn, Barrister at Law.

"This book is so very well known, and has proved so extremely useful to law students and practitioners, that we should only repeat what is familiar if we said anything in its praise. Edition after edition has been issued as changes in the law have necessitated it, and Mr. Lawrence now sends the work forth annotated with all recent cases requiring notice to illustrate the text."—*Law Times*.

"There can be no better test of the value of this book than the fact that the sixth edition is now before the public. The first was published in 1838, so that it has enjoyed the good fortune falling to very few legal works of passing through six editions in fifteen years. The fault which is almost inevitable as a book advances in editions, of quoting too many decisions, has been successfully avoided, so that a student will find this edition as suitable to his wants as was the first edition."—*Law Magazine*.

"What greater testimony to the value of a book can we put forward than the bare fact that in

fifteen years it has run through six editions, and that only two years and some few months have elapsed between the publications of the last two editions? 'Hunter's Suit in Equity' is a work that every student for the Chancery bar must read, and its popularity is therefore readily explained. The new edition contains such alterations in the text as have been rendered necessary by the Court of Chancery Funds Act, 1872, and the rules and orders thereunder. The editor further states that the whole work has been carefully revised, proper attention being paid to the decisions of the court since the appearance of the fifth edition."—*Law Times*.

"We have so often noticed previous editions of this useful work that it appears to be only necessary to say of this edition that many recent decisions have been noted, and the text has been adapted to the alterations in practice and procedure introduced by the Court of Chancery Funds Act, 1872."—*Solicitors' Journal*.

**Hunt's Boundaries, Fences and Foreshores.—2nd Edit.**

Post 8vo., 12s. cloth.

**A TREATISE on the LAW relating to BOUNDARIES and FENCES and to the Rights of Property on the Sea Shore and in the Beds of Public Rivers and other Waters.** Second Edition. By ARTHUR JOSEPH HUNT, Esq., of the Inner Temple, Barrister at Law.

"It speaks well for this book that it has so soon passed into a second edition. That its utility has been appreciated is shown by its success. Mr. Hunt has availed himself of the opportunity of a second edition to note up all the cases to this time, and to extend considerably some of the chapters, especially that which treats of rights of property on the sea shore and the subjects of sea walls and commissions of sewers."—*Law Times*.

"There are few more fertile sources of litigation than those dealt with in Mr. Hunt's valuable book. It is sufficient here to say that the volume ought to have a larger circulation than ordinarily belongs to law books, that it ought to be found in every country gentleman's library, that the cases are brought down to the latest date, and that it is carefully prepared, clearly

written, and well edited."—*Law Magazine*.

"Mr. Hunt chose a good subject for a separate treatise on Boundaries and Fences and Rights to the Seashore, and we are not surprised to find that a second edition of his book has been called for. The present edition contains much new matter. The chapter especially which treats on rights of property on the seashore, has been greatly extended. Additions have been also made to the chapters relating to the fencing of the property of mine owners and railway companies. All the cases which have been decided since the work first appeared have been introduced in their proper places. Thus it will be seen this new edition has a considerably enhanced value."—*Solicitors' Journal*.

**Ortolan's Roman Law, translated by Prichard & Nasmith.**

8vo., 28s. cloth.

**THE HISTORY of ROMAN LAW, from the Text of Ortolan's Histoire de la Législation Romaine et Généralisation du Droit (Edition of 1870).** Translated, with the Author's permission, and Supplemented by a Chronometrical Chart of Roman History. By ILLUDUS T. PRICHARD, Esq., F.S.S., and DAVID NASMITH, LL.B., Barristers at Law.

"We know of no work, which, in our opinion, exhibits so perfect a model of what a text-book is ought to be. Of the translation before us, it is enough to say, that it is a faithful representation of the original."—*Law Magazine*.

"This translation, from its great merit, deserves a warm reception from all who desire to be acquainted with the history and elements of Roman law, or have its interests as a necessary part of sound legal education at heart. With regard to that great work it is enough to say, that English writers have been continually in the habit of doing piecemeal what Messrs. Prichard and Nasmith have done wholesale. Hitherto we have had but gold-dust from the mine; now we are fortunate in obtaining a nugget. Mr. Nasmith is already known as the designer of a chart of the history of England, which has been generally

approved, and bids fairly for extensive adoption."

—*Law Journal*.

"We are extremely glad to welcome the appearance of a translation of any of the works of M. Ortolan, and the history and generalisation of Roman law, which are now presented to us in English, are perhaps the most useful books that could be offered at the present time to students of the Roman law. The utility of Roman law, as an instrument of legal education, is now generally admitted. The English of the book is unusually free from foreign idioms which so often disfigure translations. The book itself we strongly recommend to all who are interested in Roman law, jurisprudence or history, and who are not sufficiently familiar with French, to be able to read the original with ease."—*Solicitors' Journal*.

## Rouse's Conveyancer.—3rd Edit. with Supplement.

Two vols. 8vo., 30s. cloth.

The **PRACTICAL CONVEYANCER**, giving, in a mode combining facility of reference with general utility, upwards of Four Hundred Precedents of Conveyances, Mortgages and Leases, Settlements, and Miscellaneous Forms, with (not in previous editions) the Law and numerous Outline Forms and Clauses of **WILLS** and Abstracts of Statutes affecting Real Property, Conveyancing Memoranda, &c. By **ROLLA ROUSE, Esq.**, of the Middle Temple, Barrister at Law, Author of "The Practical Man," &c. Third Edition, greatly enlarged. With a Supplement, giving Abstracts of the Statutory Provisions affecting the Practice in Conveyancing; and the requisite Alterations in Forms, with some new Forms; and including a full Abstract in numbered Clauses of the Stamp Act, 1870.

THE SUPPLEMENT separately, price 1s. 6d. sewed.

"The best test of the value of a book written professedly for practical men is the practical one of the number of editions through which it passes. The fact that this well-known work has now reached its third shows that it is considered by those for whose convenience it was written to fulfil its purpose well."—*Law Magazine*.

"This is the third edition in ten years, a proof that practitioners have used and approved the precedents collected by Mr. Rouse. In this edition, which is greatly enlarged, he has for the first time introduced Precedents of Wills, extending to no less than 116 pages. We can accord unmingled praise to the conveyancing memoranda showing the practical effect of the various statutory provisions in the different parts of a deed. If the two preceding editions have been so well received, the welcome given to this one by the profession will be heartier still."—*Law Times*.

"So far as a careful perusal of Mr. Rouse's book enables us to judge of its merits, we think that as a collection of precedents of general utility in cases of common occurrence it will be found satisfactorily to stand the application of the test. The draftsman will find in the Practical Conveyancer precedents appropriate to all instruments of common occurrence, and the collection appears to be especially well supplied with those which relate to copyhold estates. In order to avoid useless repetition and also to make the precedents as simple as possible, Mr. Rouse has sketched out a number of outline drafts so as to present to the

reader a sort of bird's-eye view of each instrument and show him its form at a glance. Each paragraph in these outline forms refers, by distinguishing letters and numbers, to the clauses in full required to be inserted in the respective parts of the instrument, and which are given in a subsequent part of the work, and thus every precedent in outline is made of itself an index to the clauses which are necessary to complete the draft. In order still further to simplify the arrangement of the work, the author has adopted a plan (which seems to us fully to answer its purpose) of giving the variations which may occur in any instrument according to the natural order of its different parts."—*Law Journal*.

"That the work has found favor is proved by the fact of our now having to review a third edition. This method of skeleton precedents appears to us to be attended with important advantages. To clerks and other young hands a course of conveyancing under Mr. Rouse's auspices is, we think, calculated to prove very instructive. To the solicitor, especially the country practitioner, who has often to set his clerks to work upon drafts of no particular difficulty to the experienced practitioner, but upon which they the said clerks are not to be quite trusted alone, we think to such gentlemen Mr. Rouse's collection of Precedents is calculated to prove extremely serviceable. We repeat, in conclusion, that solicitors, especially those practising in the country, will find this a useful work."—*Solicitors' Journal*.

## Brabrook's Co-operative and Provident Societies.

12mo., 6s. cloth.

THE **LAW** relating to **INDUSTRIAL** and **PROVIDENT SOCIETIES**, including the Winding-up Clauses, with a Practical Introduction, Notes, and Model Rules, to which are added the Law of France on the same subject, and Remarks on Trades Unions. By **EDWARD W. BRABROOK, F.S.A.**, of Lincoln's Inn, Esq., Barrister at Law, Assistant Registrar of Friendly Societies in England.

"It may be usefully consulted by practitioners desirous of learning something more upon the subject than is to be found in works on partnership and joint stock companies. The book is thoughtfully written, and we recommend it to those who desire to learn something practical about the work which these societies are meant to do and the way in which it is to be done."—*Solicitors' Journal*.

"Mr. Brabrook's little work on these societies is opportune, and the statistics and information contained in it are valuable and interesting. There is a chapter devoted to practical advice,

in which are contained many valuable and important hints."—*Law Magazine*.

"Mr. Brabrook brings not merely official knowledge of his legal position as the barrister recently appointed to assist Mr. Tidd Pratt, Registrar of Friendly Societies in England, but the devotion of many years to a practical study of our industrial and provident institutions."—*Post*.

"The author speaks with practical experience and authority."—*Observer*.

"The clear exposition made by Mr. Brabrook in this volume supplies all the requisite information, and persons interested in the subject will do well to consult its pages."—*News of the World*.

**Rogers's Judicature Acts, 1873 and 1875.**

One vol., demy 8vo., 21s. cloth.

*(Dedicated, by permission, to the Lord Chancellor.)*

**THE LAW AND PRACTICE OF THE SUPREME COURT OF JUDICATURE.** By ARUNDEL ROGERS, Esq., of the Inner Temple, Barrister at Law, Author of "The Law of Mines, Minerals and Quarries."

Just published, price 3s. sewed.

*Forming a Supplement to the above.***Rogers's Decisions under the Judicature Acts, 1873, 1875.**

**DECISIONS** under the **JUDICATURE ACTS, 1873, 1875;** together with Additional Orders and Rules; being a Supplement to the Law and Practice of the Supreme Court of Judicature. By ARUNDEL ROGERS, Esq., of the Inner Temple, Barrister at Law.

\*•• *The original Work, including the Supplement, may be had, price 21s. cloth.***Bund's Law of Salmon Fisheries.**

Post 8vo., 15s. cloth.

**The LAW** relating to the **SALMON FISHERIES OF ENGLAND and WALES**, as amended by the Salmon Fishery Act, 1873, with the Statutes and Cases. By J. W. WILLIS-BUND, M.A., LL.B., of Lincoln's Inn, Esquire, Barrister at Law, Vice Chairman Severn Fishery Board.

"I would wish in this place to express my approval of 'Bund's Law of Salmon Fisheries in England and Wales, with Statutes and Cases.' This work will afford great assistance to those engaged in administering the law, while it affords valuable information on the theory and practice of salmon legislation in general."—*From the Thirteenth Annual Report of Inspector Buckland on Salmon Fisheries, 1874.*

"Mr. Willis-Bund, the draughtsman of the new act, has published an important treatise on the whole of the Salmon Fishery Acts, which has already been accepted as a complete exposition of those statutes."—*From the Thirteenth Annual Report of Inspector Walpole on Salmon Fisheries, 1874.*

"Doubtless all the law will be found between his covers, and we have not been able to detect any erroneous statements. We can recommend the book as a disquisition,—it is conscientiously executed."—*Law Times.*

"Mr. Bund, whose name is so well known to all who take interest in our Salmon fisheries, has lost no time since the passing of the Act of 1873 in bringing out his work on salmon fishery law. That the book, so far as England and Wales are concerned, is a very complete and exhaustive one, no one who knows Mr. Bund's clearness and power of application will doubt. Mr. Bund has done the work

excellently well, and nothing further in this way can be desired."—*The Field.*

"This terse and useful summary gives not merely the Salmon Fishery Act of 1873, but the state of the law as left repealed and unaffected by that act, with statutes and cases arising from them. The whole subject is treated exhaustively, and in a manner most satisfactory."—*Standard.*

"There is happily a good and ample index at the end of the volume. By means of this we have tested the author on various difficult points, and we have always found his opinion sound, and his explanations clear and lucid. This volume must of necessity become a hand-book to salmon-fishers in general, and especially to boards of conservators, who will thereby be much assisted in the formation of the new boards of conservators, under the Act of 1873; also the operation of the Acts of 1861 and 1865, as amended by the Act of 1873."—*Land and Water.*

"The author of the work before us has done much to supply the shortcomings of legislation. He has brought to the subject not only a comprehensive knowledge of this branch of the law, but a practical acquaintance with its administration, and the result is a book of considerable merit."—*Public Opinion.*

**Phillips's Law of Lunacy.**

Post 8vo., 18s. cloth.

**THE LAW CONCERNING LUNATICS, IDIOTS and PERSONS of UNSOUND MIND.** By CHARLES PALMER PHILLIPS, M.A., of Lincoln's Inn, Esq., Barrister at Law, and one of the Commissioners in Lunacy.

"Mr. C. P. Phillips has in his very complete, elaborate and useful volume presented us with an excellent view of the present law as well as the practice relating to lunacy."—*Law Magazine and Review.*

"The work is one on which the author has evidently bestowed great pains, and which not only bears the mark of great application and research, but which shows a familiarity with the subject."—*Justice of the Peace.*



**Robson's Bankrupt Law.—Third Edition.**

Very nearly ready, 8vo., cloth.

A TREATISE ON THE LAW OF BANKRUPTCY; containing a full Exposition of the Principles and Practice of the Law, including the Alterations made by the Bankruptcy Act, 1869. With an Appendix comprising the Statutes, Rules, Orders and Forms. By GEORGE YOUNG ROBSON, Esq., of the Inner Temple, Barrister at Law. Third Edition.

**Coote's Admiralty Practice.—Second Edition.**

8vo., 16s. cloth.

THE PRACTICE of the HIGH COURT of ADMIRALTY of ENGLAND: also the Practice of the Judicial Committee of Her Majesty's Most Honorable Privy Council in Admiralty Appeals, with Forms and Bills of Costs. By HENRY CHARLES COOTE, F.S.A., one of the Examiners of the High Court of Admiralty, Author of "The Practice of the Court of Probate," &c. Second Edition, almost entirely re-written, with a Supplement giving the *County Courts Jurisdiction and Practice in Admiralty*, the Act of 1868, Rules, Orders, &c.

\*.\* This work contains every Common Form in use by the Practitioner in Admiralty, as well as every description of Bill of Costs in that Court, a feature possessed by no other work on the Practice in Admiralty.

**Mr. Justice Lush's Common Law Practice.—Third Edition by Dixon.**

2 vols. 8vo., 46s. cloth.

LUSH'S PRACTICE of the SUPERIOR COURTS of COMMON LAW at WESTMINSTER, in Actions and Proceedings over which they have a common Jurisdiction: with Introductory Treatises respecting Parties to Actions; Attornies and Town Agents, their Qualifications, Rights, Duties, Privileges and Disabilities; the Mode of Suing, whether in Person or by Attorney in Formâ Pauperis, &c. &c. &c.; and an Appendix, containing the authorized Tables of Costs and Fees, Forms of Proceedings and Writs of Execution. Third Edition. By JOSEPH DIXON, of Lincoln's Inn, Esq., Barrister at Law.

**Dixon's Law of Partnership.**

1 vol. 8vo., 22s. cloth.

A TREATISE on the LAW of PARTNERSHIP. By JOSEPH DIXON, of Lincoln's Inn, Esq., Barrister at Law. Editor of "Lush's Common Law Practice."

"We imagine that very few questions are likely to come before the practitioner which Mr. Dixon's book will not be found to solve. Having already passed our opinion on the way in which the work is carried out, we have only to add that the value of the book is very materially increased by an excellent marginal summary, and a very copious index."—*Law Magazine and Review*.

"Mr. Dixon has done his work well. The book is carefully and usefully prepared."—*Solicitors' Journal*.

"Mr. Dixon enters into all the conditions of partnerships at common law, and defines the rights of partners among themselves; the rights of the partnership against third persons; the rights of third persons against the partnership; and the rights and liabilities of individuals, not actually partners, but liable to be treated by third persons as partners."—*The Times*.

"We heartily recommend to practitioners and students Mr. Dixon's treatise as the best exposition of the law we have read, for the arrangement is not only artistic, but conciseness has been studied without sacrifice of clearness. He sets forth the principles upon which the law is based as well as the cases by which its application is shown. Hence it is something more than a digest, which too many law books are not: it is really an essay."—*Law Times*.

"He has evidently bestowed upon this book the same conscientious labour and painstaking industry for which we had to compliment him some months since when reviewing his edition of Lush's 'Practice of the Superior Courts of Law,' and, as a result, he has produced a clearly written and well arranged manual upon one of the most important branches of our mercantile law."—*Law Journal*.

MR. BEDFORD'S STUDENTS' EXAMINATION GUIDES.

**Bedford's Intermediate Examination Guide.**

2 vols. 8vo., 14s. 6d. cloth.

The INTERMEDIATE EXAMINATION GUIDE: containing a Digest of the Examination Questions on Common Law, Conveyancing and Equity, with the Answers. By EDWARD HENSLOWE BEDFORD, Solicitor, Temple, Editor of the "Preliminary," "Intermediate" and "Final," &c.

**Bedford's Final Examination Guide to Probate and Divorce.**

Just published, in 8vo., 4s. cloth.

THE FINAL EXAMINATION GUIDE to the LAW of PROBATE and DIVORCE. By E. H. BEDFORD, Solicitor, Temple, Author of the "Final Examination Guide to the Practice of the Supreme Court of Judicature," &c., &c.

**Bedford's Final Examination Guide to the Judicature Acts, 1873-5.**

1 vol. 8vo., 7s. 6d. cloth.

THE FINAL EXAMINATION GUIDE to the PRACTICE of the SUPREME COURT OF JUDICATURE: containing a Digest of the Final Examination Questions, with many new ones, with Answers under the Supreme Court of Judicature Acts. By EDWARD HENSLOWE BEDFORD, Solicitor, Editor of the "Preliminary," "Intermediate," and "Final," &c., &c.

"Mr. Bedford's Final Examination Guide supplies a want which will be much felt by students as to what they are to read with reference to the new practice. The Guide and Time Table will be found useful helps to students in perusing the Judicature Acts."—*Law Examination Journal*.

"Mr. Bedford's Guide to the Practice of the Supreme Court, while prepared for the use of candidates for the various law examinations, is moreover calculated to convey to others a clearer notion of the main alterations that may have been effected than might be obtained from many more pretentious treatises. The various sections, orders and rules of the acts have been here arranged under their proper

and consecutive headings in the form of question and answer, and the result is a useful and readable book, which we would recommend students to keep in view."—*Irish Law Times*.

"We have in these pages a well arranged and clear digest of the final examination questions, and many new questions, with answers, under the Supreme Court of Judicature Acts."—*Standard*.

"There are a great many dull people who cannot prepare for examination without having every conceivable question placed before them in anticipation, immediately followed by its corresponding answer. This is the object of the book and it seems to fulfil it."—*Echo*.

By the same Author, Third Edition, on a Sheet, 1s.

**A TABLE of the PRINCIPAL STEPS and TIMES in an ACTION UNDER THE SUPREME COURT OF JUDICATURE ACTS.**

"It will not only prove of service to common law and chancery clerks, but also to articulated clerks in the course of their studies."—*Law Times*.

"Mr. E. H. Bedford has prepared a third edition of his useful broadsheet, containing a Table of the principal steps and times in an ordinary action in the Supreme Court of

Judicature. This Table has been corrected so as to embrace the changes introduced by the Rules of December 1, 1875."—*Law Journal*.

"The Time Table by the same author (Mr. Bedford) presents in a conspicuous and convenient form the times allowed for taking the various steps in an action."—*Law Examination Journal*.

Also just published on a Sheet, 1s.

**A TABLE of the PRINCIPAL STEPS and TIMES in a CHANCERY SUIT.** By EDWARD HENSLOWE BEDFORD, Solicitor, Editor of the "Intermediate Examination Guide."

## Seaborne's Law of Vendors and Purchasers.

Post 8vo., 9s. cloth.

**A CONCISE MANUAL of the LAW of VENDORS and PURCHASERS of REAL PROPERTY, with a Supplement, including the Vendor and Purchaser Act, 1874, with Notes. By HENRY SEABORNE.**

“\* This work is designed to furnish Practitioners with an easy means of reference to the Statutory Enactments and Judicial Decisions regulating the transfer of Real Property, and also to bring these authorities in a compendious shape under the attention of Students.

“The value of Mr Seaborne's work consists in its being the most concise summary yet published of one of the most important branches of the law. The student will find this book a useful introduction to a dry and difficult subject.”—*Law Examination Journal.*

“The book before us contains a good deal, especially of practical information as to the course of conveyancing matters in solicitors' offices,

which may be useful to students.”—*Solicitors' Journal.*

“We will do Mr. Seaborne the justice to say that we believe his work will be of some use to articulated clerks and others in solicitors' offices, who have not the opportunity or inclination to refer to the standard works from which his is compiled.”—*Law Journal.*

## Clark's Digest of House of Lords Cases.

Royal 8vo., 31s. 6d. cloth.

**A DIGESTED INDEX to all the REPORTS in the HOUSE of LORDS from the commencement of the Series by Dow, in 1814, to the end of the Eleven Volumes of House of Lords Cases, with references to more recent Decisions. By CHARLES CLARK, Esq., one of Her Majesty's Counsel, Reporter by Appointment to the House of Lords.**

“The decisions of the supreme tribunal of this country, however authoritative in themselves, were not, until of late years, at all familiar to the great body of the legal profession; the early reports of them being in the hands of but few persons. In that tribunal, more than in any other, questions can be considered, as they have been, upon purely legal principles, freed from the letters and obstruc-

tions of mere precedent. The acknowledged eminence of the noble and learned persons by whom the decisions have been pronounced, gives them a value beyond their official authoritativeness. It is hoped that this Digest will have the effect of making the profession at large familiarly acquainted with them.”—*Pre-tatory Notice.*

## Barry's Practice of Conveyancing.

8vo., 18s. cloth.

**A TREATISE on the PRACTICE of CONVEYANCING. By W. WHITTAKER BARRY, Esq., of Lincoln's Inn, Barrister at Law, late Holder of the Studentship of the Inns of Court, and Author of “A Treatise on the Statutory Jurisdiction of the Court of Chancery.”**

“We feel bound to strongly recommend it to the practitioner as well as the student. The author has proved himself to be a master of the subject, for he not only gives a most valuable supply of practical suggestions, but criticises them with much ability, and we have no doubt that his criticism will meet with general approval.”—*Law Magazine.*

“It contains, in a concise and readable form, the law relating to almost every point likely to arise in the ordinary every day practice of the conveyancer, with references to the various authorities and statutes to the latest date, and may be described as a manual of practical conveyancing.”—*Law Journal.*

“This treatise supplies a want which has long

been felt. There has been no treatise on the Practice of Conveyancing issued for a long time past that is adequate for the present requirements. Mr. Barry's work is essentially what it professes to be, a treatise on the Practice of Conveyancing. The treatise, although capable of compression, is the production of a person of great merit and still greater promise.”—*Solicitors' Journal.*

“A work the substance of which is so well known to our readers, needs no recommendation from us, for its merits are patent to all, from personal acquaintance with them. The information that the treatise so much admired may now be had in the more convenient form of a book, will suffice of itself to secure a large and eager demand for it.”—*Law Times.*

## Barry's Forms in Conveyancing.

8vo., 21s. cloth.

**FORMS AND PRECEDENTS IN CONVEYANCING; with Introduction and Practical Notes. By W. WHITTAKER BARRY, of Lincoln's Inn, Esq., Barrister at Law, Author of “A Treatise on the Practice of Conveyancing.”**

**Goldsmith's Equity.—Sixth Edition.**

Post 8vo., 18s. cloth.

**THE DOCTRINE AND PRACTICE OF EQUITY:** or a concise Outline of Proceedings in the High Court of Chancery, designed principally for the Use of Students. Sixth Edition, according to the recent Statutes and Orders. By GEO. GOLDSMITH, Esq., M.A., Barrister-at-Law.

"A well-known law student's book, the best, because the most thoroughly complete, yet simplified instructor, in the principles and practice of equity that has ever been provided for him; and that its value has been recognized by those who have made use of it is proved by this—that their commendations have carried it to a sixth edition. The principles of equity are as they were, but the practice has so changed since the publication of the first edition, that every part of this division of the work has required to be rewritten almost as often as a new edition was demanded. Of course, the size of the book has grown also, and from being, as we remember it, a very little book, to be carried in the pocket, it has become a portly volume, and this fairly represents its increased merits. Now that every student aspiring to the bar is to be examined before admission, good books for instruction in the law will be more than ever in request."—*Law Times*.

"It is difficult to know which to praise most, the excellence and dignity of the style, or the exhaustiveness of the information furnished to the reader. Mr. Goldsmith's plan corresponds to

some extent with that adopted by Mr. Haynes in his excellent 'Outlines of Equity,' but his work is more complete than that of Mr. Haynes."

—*Law Examination Journal*.

"The whole work is elaborated by Mr. Goldsmith with evident care and a determination to deal with all that can come within the scope of the title. It is characterized by comprehensiveness and at the same time conciseness, by clearness of diction and attractiveness of style and avoidance of technicalities which might prove embarrassing to the student, and a close adherence to the purpose as expressed in the preface. Mr. Goldsmith's volume is marked by as much originality as well can be found in a work of its kind."—*Law Journal*.

"Altogether the author's method and his execution are alike commendable—and we are of opinion that the lawyer, who, as a student, avails himself of the primary intention of Mr. Goldsmith's work by finding in it his first equity reading book or primer, will afterwards verify the anticipation of the author by making of it *dilectu juvenili* or *vade mecum* in his later practice."—*Law Magazine*, 2nd notice.

**Lewis's Introduction to Equity Drafting.**

Post 8vo., 12s. cloth.

**PRINCIPLES of EQUITY DRAFTING;** with an Appendix of Forms. By HUBERT LEWIS, B.A., of the Middle Temple, Barrister at Law; Author of "Principles of Conveyancing," &c.

**Lewis's Introduction to Conveyancing.**

8vo., 18s. cloth.

**PRINCIPLES of CONVEYANCING** explained and illustrated by Concise Precedents; with an Appendix on the effect of the Transfer of Land Act in modifying and shortening Conveyances. By HUBERT LEWIS, B.A., late Scholar of Emmanuel College, Cambridge, of the Middle Temple, Barrister at Law.

**Hare on Discovery.—Second Edition.**

Post 8vo., 12s. cloth.

**A TREATISE ON THE DISCOVERY OF EVIDENCE IN THE HIGH COURT OF JUSTICE.** Being a Second Edition of A TREATISE ON THE DISCOVERY OF EVIDENCE BY BILL AND ANSWER IN EQUITY, by THOMAS HARE, of the Inner Temple, Esq., Barrister at Law. Adapted to the Procedure under the Supreme Court of Judicature Acts and Rules, 1873 and 1875, by SHERLOCK HARE, of the Inner Temple, Esq., Barrister at Law.

"We have read his work with considerable attention and interest, and we can speak in terms of cordial praise of the manner in which the new procedure has been worked into the old material. Not that the old material has been allowed to remain unimproved. In many instances necessary changes and amendments have been made, evincing a thorough appreciation of the necessities of the case on the part of the learned editor. We purposely abstain from referring to the details of the book. 'Hare on Discovery' has long been well known, it must now become better known. All the sections and orders of the new legis-

lation are referred to in the text, a synopsis of recent cases is given, and a good index completes the whole."—*Law Times*.

"The original work speedily became an authority on this subject, and has been for years a recognized text-book among the profession and the courts, and we are pleased to see that the present editor has in no way abated his care in noting up the new cases and explaining the present law and practice, so that in all essential points the present edition is a worthy successor to its predecessor."—*Irish Law Times*.

**Judicature Acts. By Locock Webb, Q.C.**

In preparation, in 1 vol. 8vo., price 21s. cloth.

**THE SUPREME COURT OF JUDICATURE ACTS, 1873 and 1875, with the Rules of Court, Forms, &c.; Consolidation of those Statutes and Rules, and Practical Commentaries on the Rules of Law, the Jurisprudence and Judicature of the Supreme Court, the Practice of on Appeals to the Court and Appeals to the House of Lords. A copious Index. By LOCOCK WEBB, Esq., one of her Majesty's Counsel.**

**Gaches' Town Councillors and Burgesses Manual.**

Post 8vo., 7s. cloth.

**THE TOWN COUNCILLORS and BURGESSES MANUAL, a Popular Digest of Municipal and Sanitary Law, with information as to Charters of Incorporation, and a Collection of useful Forms especially adapted for newly incorporated Boroughs. By LOUIS GACHES, LL.M., B.A., of the Inner Temple, Esq., Barrister at Law.**

**Kerr's Action at Law.—Third Edition.**

12mo., 9s. cloth.

**AN ACTION AT LAW: being an Outline of the Jurisdiction of the Superior Courts of Common Law, with an Elementary View of the Proceedings in Actions therein. By ROBERT MALCOLM KERR, Barrister at Law; now Judge of the Sheriff's Court of the City of London. Third Edition.**

"There is considerable merit in both works (John William Smith's and Malcolm Kerr's); but the second (Kerr) has rather the advantage."  
*Jurist.*

"Mr. Kerr's book is more full and detailed than

that of Mr. John William Smith, and is therefore better adapted for those who desire to obtain not merely a general notion but also a practical acquaintance with Common Law Procedure."  
*Solicitors' Journal.*

**Tudor's Leading Cases on Real Property, &c.—2nd Edit.**

One thick vol. royal 8vo., 42s. cloth.

**A SELECTION OF LEADING CASES on the LAW RELATING to REAL PROPERTY, Conveyancing, and the Construction of Wills and Deeds; with Notes. By OWEN DAVIES TUDOR, Esq., of the Middle Temple, Barrister at Law. Author of "A Selection of Leading Cases in Equity." Second Edition.**

"The Second Edition is now before us, and we are able to say that the same extensive knowledge and the same laborious industry as have been exhibited by Mr. Tudor on former occasions characterize his later production of his legal authorship; and it is enough at this moment to reiterate an opinion that Mr. Tudor has well maintained the high legal reputation which his standard works have achieved in all countries where the English language is spoken, and the decisions of our Courts are quoted."  
*—Law Magazine and Review.*

"The work before us comprises a digest of decisions which, if not exhaustive of all the principles of our real property code, will at least be found to leave nothing untouched or unelaborated under the numerous legal doctrines to which the cases severally relate. To Mr. Tudor's treatment of all these subjects, so complicated and so varied, we accord our entire commendation. There are no omissions of any important cases relative to the various branches of the law comprised in the work, nor are there any omissions or defects in his statement of the

law itself applicable to the cases discussed by him. We cordially recommend the work to the practitioner and the student alike, but especially to the former."  
*—Solicitors' Journal.*

"This and the other volumes of Mr. Tudor are almost a law library in themselves, and we are satisfied that the student would learn more law from the careful reading of them than he would acquire from double the time given to the elaborate treatises which learned professors recommend the student to peruse, with entire forgetfulness of time and brains are limited, and that to do what they advise would be the work of a life. Smith and Mr. Tudor will together give them such a knowledge of law as they could not obtain from a whole library of text books, and of law that will be useful every day, instead of law that they will not want three times in their lives. At this well the practising lawyer might beneficially refresh his memory by a draught, when a leisure hour will permit him to study a leading case. No law library should be without this most useful book."  
*—Law Times.*

**Brandon's Law of Foreign Attachment.**

8vo., 14s. cloth.

**A TREATISE upon the CUSTOMARY LAW of FOREIGN ATTACHMENT, and the PRACTICE of the MAYOR'S COURT of the CITY OF LONDON therein. With Forms of Procedure. By WOODTHORPE BRANDON, Esq., of the Middle Temple, Barrister at Law.**

**Chute's Equity in Relation to Common Law.**

Post 8vo., 9s. cloth.

**EQUITY UNDER THE JUDICATURE ACT, OR THE RELATION OF EQUITY TO COMMON LAW:** with an Appendix, containing the High Court of Judicature Act, 1873, and the Schedule of Rules. By CHALONER WILLIAM CHUTE, Barrister at Law; Fellow of Magdalen College, Oxford; Lecturer to the Incorporated Law Society of Great Britain.

"His manner is eminently philosophical, and proves the capacity of the author for the position of a lecturer, while it is just the kind of teaching by which students are attracted to the light. Students may here congratulate themselves on the possibility of finding, within the limits of two hundred pages, many of the chief doctrines of Equity, set forth briefly, lucidly and completely."—*Law Journal*.

"We may add that his style presents a very agreeable contrast to the general style of law books. In conclusion, we would heartily recommend this most instructive and interesting work to the perusal of the student."—*Law Examination Journal*.

"The present volume can scarcely fail to become a standard work on the subject of which it treats. Mr. Chute has one special virtue for which his readers will be thankful—the method and arrangement—which are especially valuable in a book of this kind."—*Morning Post*.

"The book is deserving of praise, both for clearness of exposition and for the interesting

way in which modern cases are used to illustrate the doctrines expounded. As it stands it appears to us to be a useful guide to the leading principles of Equity Jurisprudence. The book is written in easy and familiar language, and is likely to prove more attractive to the student than many formal treatises."—*Solicitors' Journal*.

"He thinks clearly, writes very well. As a small and meritorious contribution to the history of jurisprudence it deserves to be welcomed."—*Law Times*.

"The work is conscientiously done and will be useful to the student at the present juncture."—*Echo*.

"Mr. Chute's book is founded upon lectures delivered by him to the students at the Law Institution. The object of it is to point out concisely the principles on which the doctrines of Equity depend, and to show the relation of Equity to the Common Law, and the work is a useful one for the class of persons to whom the lectures are delivered."—*Athenaeum*.

**Tomkins and Jencken's Modern Roman Law.**

8vo., 14s. cloth.

**COMPENDIUM of the MODERN ROMAN LAW.** Founded upon the Treatises of Puchta, Von Vangerow, Arndts, Franz Møhler and the Corpus Juris Civilis. By FREDERICK J. TOMKINS, Esq., M.A., D.C.L., Author of the "Institutes of Roman Law," Translator of "Gaius," &c., and HENRY DIEDRICH JENCKEN, Esq., Barristers at Law, of Lincoln's Inn.

"Mr. Tomkins and Mr. Jencken could not have written such an excellent book as this if they had not devoted many laborious days, probably years, to the study of Roman Law in its entirety, and to research into the laws of continental states, for the purpose of learning what principles of Roman Law are preserved in their jurisprudence."—*Law Times*.

"To those who think with us that the study of the modern civil law has been too much neglected in the education of solicitors, the admirable book whose title we have above announced will be indeed invaluable."—*Law Examination Journal*.

**Tudor's Law of Charitable Trusts.—Second Edition.**

Post 8vo., 18s. cloth.

**THE LAW OF CHARITABLE TRUSTS;** with the Statutes to the end of Session 1870, the Orders, Regulations and Instructions, issued pursuant thereto; and a Selection of Schemes. By OWEN DAVIES TUDOR, Esq., of the Middle Temple, Barrister-at-Law; Author of "Leading Cases in Equity;" "Real Property and Conveyancing;" &c. Second Edition.

"No living writer is more capable than Mr. Tudor of producing such a work: his Leading Cases in Equity, and also on the Law of Real Property, have deservedly earned for him the highest reputation as a learned, careful and judicious text-writer. We have

only to add that the index is very carefully compiled."—*Solicitors' Journal*.

"Mr. Tudor's excellent little book on Charitable Trusts. It is in all respects the text-book for the lawyer, as well as a hand-book for reference by trustees and others engaged in the management of charities."—*Law Times*.

## Phillimore's Commentaries on International Law. 2nd Ed.

4 Vols. 8vo., 6l. 3s. cloth.

**COMMENTARIES on INTERNATIONAL LAW.** By the  
Rt. Hon. SIR ROBERT PHILLIMORE, Knt., Member of H.M.'s Most Hon.  
Privy Council, and Judge of the High Court of Admiralty of England.

\* \* \* For the convenience of purchasers, Vol. 1, price 25s., Vol. 2, price 28s., Vol. 3, price 36s., and Vol. 4, price 34s. cloth, may be had separately to complete sets.

*Extract from Pamphlet on "American Neutrality," by GEORGE BENIS (Boston, U.S.).—"Sir Robert Phillimore, the present Queen's Advocate, and author of the most comprehensive and systematic 'Commentary on International Law' that England has produced."*

"The authority of this work is admittedly great, and the learning and ability displayed in its preparation have been recognised by writers on public law both on the Continent of Europe and in the United States. With this necessarily imperfect sketch we must conclude our notice of the first volume of a work which forms an important contribution to the literature of public law. The book is of great utility, and one which should find a place in the library of every civilian."—*Law Magazine*.

"We cordially welcome a new edition of vol. 1. It is a work that ought to be studied by every educated man, and which is of constant use to the public writer and statesman. We wish, indeed, that our public writers would read it more abundantly than they have done, as they would then avoid serious errors in discussing foreign questions. Any general criticism of a book which has been received as a standard work would be superfluous; but we may remark, that whilst Sir Robert strictly adheres to the canons of legal authorship, and never gives a statement without an authority or offers a conclusion which is not manifestly deducible from established facts or authoritative utterances, yet so lucid is his style, we had almost said so popular, so clear is the enunciation of principles, so graphic the historical portions, that the book may be read with pleasure as well as profit. It will not be out of place to further remark, that the arrangement is excellent, the table of contents, the list of authorities are complete, and, therefore, these Commentaries are singularly handy for reference. Altogether this work is a witness to the zeal, industry and ability of Sir R. Phillimore. It will not only be read at home, but also in the United States, and it cannot fail to smooth the way for the thorough international understanding between England and America that the true men of both countries so ardently desire."—*Law Journal*.

"It is the most complete repository of matters bearing upon international law that we have in the language. We need not repeat the commendations of the text itself as a treatise or series of treatises which this journal expressed upon the appearance of the two first volumes. The reputation of the Author is too well established and too widely known. We content ourselves with testifying to the fulness and thoroughness of the work as a compilation after an inspection of the three volumes (second edition)."—*Boston (United States) Daily Advertiser*.

"Sir Robert Phillimore may well be proud of this work as a lasting record of his ability, learning and his industry. No one, unless he is a man of talent, can venture to deal with such a difficult and involved subject as international law, and only an author of extensive reading and untiring industry can deal with it as exhaustively as Sir Robert has done. The

development of commerce has made international relations more intimate. It follows that international law will be more studied, not only by lawyers, but also by laymen, who take part in public life, and whatever other books the English lawyer or statesman may use, he will, of course, include Phillimore's Commentaries in his list. Having read the work carefully and critically, we are able to highly recommend it. Usually when such a work reaches a second edition critical commendation is superfluous, but the present is an exceptional case, because Phillimore's Commentaries will be of the greatest use to many non-professional readers who, as public men and public writers, find it necessary to study international law. It is in itself a well digested body of laws."—*Law Journal (second notice)*.

"We have within a short period briefly noticed the previous volumes of the important work of which the fourth volume is now before us. We have more than once recognised the ability and profound research which the learned author has brought to bear upon the subject, but this last volume strikes us as perhaps the most able and lucid, and, in addition to these merits, it deals with a division of international jurisprudence which is of very great interest, namely, private international law or comity. The issue of a second edition proves that it has attained a position of authority and is favourably received by international jurists. We have no grounds for impugning its accuracy, and as a compilation it must receive our acknowledgment that it is able and learned."—*Law Times*.

"The latest arrivals bring us Vol. 4 of this great work: it is the close of the second edition begun a few years ago. Sir Robert Phillimore has one great advantage over new commentators on International Law, in that he is and has always been a working publicist, judge and parliamentarian and not a mere student of the closet. It is his life long habit to look at things in a practical way in the concrete and to judge of propositions by their adaptation tried or probable to the working world of public transactions. The reputation and authority of Dr. Phillimore on this side of the water are too well known and established to require any general commendation of this work. It is enough to recognize the fact that private international law is becoming of more and more importance with the vastly increased opportunities for private dealings between citizens or inhabitants of different nationalities and to changings of domicile and habitation, and to express gratitude that the learned, experienced and thorough commentator has made the latest contribution towards peace and good understanding among civilised men."—*Boston (United States) Daily Advertiser, Dec. 3rd, 1874 (second notice)*.

**Christie's Crabb's Conveyancing.—Fifth Edit. by Shelford.**

Two vols. royal 8vo., 3l. cloth.

**CRABB'S COMPLETE SERIES of PRECEDENTS in CONVEYANCING and of COMMON and COMMERCIAL FORMS** in Alphabetical Order, adapted to the Present State of the Law and the Practice of Conveyancing; with copious Prefaces, Observations and Notes on the several Deeds. By J. T. CHRISTIE, Esq., Barrister-at-Law. The Fifth Edition, with numerous Corrections and Additions, by LEONARD SHELFORD, Esq., of the Middle Temple, Barrister at Law.

“\* This Work, which embraces both the Principles and Practice of Conveyancing, contains likewise every description of Instrument wanted for Commercial Purposes.”

**General Table of Heads of Prefaces and Forms.**

**Abstracts.**—Accounts.—Acknowledgments.—Acquittances.—Admittances.—Affidavits, Affirmations or Declarations.—Agreements: to relinquish Business: to Guarantee: for a Lease: before Marriage: for a Partition: between Principal and Agent: for the Sale and Purchase of Estates: for Sale of Copyhold Estates: for Sale of Leaseholds: for Sale of an Adwoson.—Annuity: secured on Copyholds.—Annuities: Assignments of.—Appointments: of Guardians.—Apportionment.—Apprenticeship: to the Sea Service: to an Attorney: Assignment of.—Arbitration: Award.—Assignments: Bonds: Leases: Patents: Pews: Policies of Insurance: Reversionary Interests.—Attestations.—Attornments.—Auctions: Particulars of Sale.—Bargains and Sales of Timber.—Bills of Sale of Goods.—Bonds: Administration: Receiver pending Suit: Post Oblit: Stamps on.—Certificates.—Composition: Conveyances in Trust for Creditors.—Conditions: of Sale.—Confirmations.—Consents.—Copartnership: Dissolution of Copartnership.—Covenants: Stamps on: for Production of Title Deeds.—Declarations.—Deeds: I. Nature of Deeds in General: II. Requisites of a Deed: III. Formal parts of Deeds: IV. Where a Deed is necessary or otherwise: V. Construction of Deeds: VI. Avoiding of Deeds: VII. Proof of Deeds: VIII. Admission of Parol Evidence as to Deeds: IX. Possession of Deeds: X. Stamp Duty on Deeds.—Defeasances.—Demises.—Deputation.—Disclaimers.—Disentailing Deeds.—Distress: Notices of.—Dower.—Enfranchisements.—Exchanges.—Feoffments.—Further Charges.—Gifts.—Grants.—Grants of Way or Road.—Indemnities.—Leases: I. Nature of Leases in General: II. Requisites to a Lease: III. Parts of a Lease: IV. Incidents to a Lease: V. Stamps on Leases.—Letters of Credit.—Licences.—Mortgages: of Copyholds: of Leaseholds: Transfer of: Stamp Duty on.—Notes, Orders, Warrants, &c.—Notices: to Quit.—Partition.—Powers: of Attorney.—Presentation.—Purchase Deeds: Conveyance of Copyholds: Assignments of Leaseholds: Stamps on.—Recitals.—Releases or Conveyances: or Discharges.—Renunciations or Disclaimers.—Resignations.—Revocations.—Separation.—Settlements: Stamp Duty on.—Shipping: Bills of Lading: Bills of Sale: Bottomry and Respondentia Bonds: Charter Parties.—Surrenders.—Wills: 1. Definition of Will and Codicil: 2. To what Wills the Act 7 Will. 4 & 1 Vict. c. 26 does not apply: 3. What may be disposed of by Will: 4. Of the capacity of Persons to make Wills: 5. Who may or may not be Devises: 6. Execution of Wills: 7. Publication of Wills: 8. Revocation of Wills: 9. Lapse of Devises and Bequests: 10. Provisions and Clauses in Wills: 11. Construction of Wills.

**From the Law Times.**

“The preparation of it could not have been confided to more able hands than those of Mr. Shelford, the veteran authority on real property law. With the industry that distinguishes him he has done ample justice to his task. In carefulness we have in him a second Crabb, in erudition Crabb's superior; and the result is a work of which the original author would have been proud, could it have appeared under his own auspices. It is not a book to be quoted, nor indeed could its merits be exhibited by quotation. It is essentially a book of practice, which can only be described in rude outline and dismissed with applause, and a recommendation of it to the notice of those for whose service it has been so laboriously compiled.”

**From the Solicitors' Journal.**

“The collection of precedents contained in these two volumes are all that could be desired. They are particularly well adapted for Solicitors, being of a really practical character. They are moreover free from the useless repetitions of common forms that so much increase the bulk and expense of some collections that we could name. We know not of any collection of conveyancing precedents that would make it so possible for a tyro to put together a presentable draft at an exigency, or which are more handy in every respect, even for

the experienced draftsman. Mr. Shelford has proved himself in this task to be not unworthy of his former reputation. To those familiar with his other works it will be a sufficient recommendation of this.”

**From the Law Magazine and Review.**

“To this important part of his duty—the remodelling and perfecting of the Forms—even with the examination which we have already been able to afford this work, we are able to affirm, that the learned editor has been eminently successful and effected valuable improvements.”

**From the Law Chronicle.**

“It possesses one distinctive feature in devoting more attention than usual in such works to forms of a commercial nature. We are satisfied from an examination of the present with the immediately preceding edition that Mr. Shelford has very considerably improved the character of the work, both in the prefaces and in the forms. On the whole the two volumes of Crabb's Precedents, as edited by Mr. Leonard Shelford will be found extremely useful in a solicitor's office, presenting a large amount of real property learning, with very numerous precedents: indeed we know of no book so justly entitled to the appellation of ‘handy’ as the fifth edition of Mr. Crabb's Precedents.”



## Mosely's Articled Clerks' Handy-Book.

12mo., 7s. cloth.

**A PRACTICAL HANDY-BOOK of ELEMENTARY LAW,** designed for the use of Articled Clerks, with a Course of Study and Hints on Reading for the Intermediate and Final Examinations. By M. S. MOSELY, Solicitor, Clifford's Inn Prizeman, M. T. 1867.

"This useful little book is intended for the use of articled clerks during the period of their articulation. The style of this book is peculiar: it is an exaggeration of the style adopted by Mr. Haynes in his admirable 'Outlines of Equity.' The author seems to think the adoption of such a style the only way to make the study of the law popular, and we are not prepared to say he is wrong."—*Law Magazine and Review*.

"The design of this little book is to combine instruction, advice and amusement, if anything amusing can be extracted from the routine of a solicitor's office and the studies of articled clerks. The book will certainly be found useful by any articled clerk, for it contains much information which it is sometimes very troublesome to find, and the facetiousness of Mr. Mosely's manner will doubtless help to grease the course of a rough and uneasy subject."—*Law Journal*.

"There are few who read this book with care who will not readily admit that on many intricate points of law their notions have become much clearer than before their acquaintance with it. Both parts are well worked out, and will be found useful; but in the second division of each chapter the law student will find most valuable information, as there Mr. Mosely not only marks out the course of reading which he recommends for each year, but also carefully analyses the contents of each book, and points out those chapters and subjects which it will be most advantageous for the student to master at the first reading, and those which he ought to defer till a second perusal and a wider experience have made him more competent to understand them. The style is remarkably good, and, considering the subject, free from technical expressions."—*Irish Law Times*.

## Rouse's Copyhold Manual.—Third Edition.

12mo., 10s. 6d. cloth.

**THE COPYHOLD ENFRANCHISEMENT MANUAL,** giving the Law, Practice and Forms in Enfranchisements at Common Law and under Statute, and in Commutations; with the Values of Enfranchisements from the Lord's various Rights: the Principles of Calculation being clearly explained, and made practical by numerous Rules, Tables and Examples. Also all the Copyhold Acts, and several other Statutes and Notes. Third Edition. By ROLLA ROUSE, Esq., of the Middle Temple, Barrister at Law, Author of "The Practical Conveyancer," &c.

"This new edition follows the plan of its predecessor, adopting a fivefold division:—1. The Law. 2. The Practice, with Practical Suggestions to Lords, Stewards and Copyholders. 3. The Mathematical Consideration of the Subject in all its Details, with Rules, Tables and Examples. 4. Forms. 5. The Statutes, with Notes. Of these, we can only repeat what we have said before, that they exhaust the subject; they give to the practitioner all the materials required by him to conduct the enfranchisement of a copyhold, whether voluntary or compulsory."—*Law Times*.

"When we consider what favor Mr. Rouse's Practical Man and Practical Conveyancer have found with the profession, we feel sure the legal

world will greet with pleasure a new and improved edition of his copyhold manual. The third edition of that work is before us. It is a work of great practical value, suitable to lawyers and laymen. We can freely and heartily recommend this volume to the practitioner, the steward and the copyholder."—*Law Magazine*.

"Now, however, that copyhold tenures are being frequently converted into freeholds, Mr. Rouse's treatise will doubtless be productive of very extensive benefit; for it seems to us to have been very carefully prepared, exceedingly well composed and written, and to indicate much experience in copyhold law on the part of the author."—*Solicitors' Journal*.

## Shelford's Succession, Probate and Legacy Duties. Second Edition.

12mo., 16s. cloth.

**THE LAW** relating to the PROBATE, LEGACY and SUCCESSION DUTIES in ENGLAND, IRELAND and SCOTLAND, including all the Statutes and the Decisions on those Subjects: with Forms and Official Regulations. By LEONARD SHELFORD, Esq., of the Middle Temple, Barrister-at-Law. The Second Edition, with many Alterations and Additions.

"The book is written mainly for solicitors. Mr. Shelford has accordingly planned his work with careful regard to its practical utility and daily use."—*Solicitors' Journal*.

"One of the most useful and popular of his productions, and being now the text book on the

subject nothing remains but to make known its appearance to our readers. Its merits have been already tested by most of them."—*Law Times*.

"On the whole Mr. Shelford's book appears to us to be the best and most complete work on this extremely intricate subject."—*Law Magazine*.

**Baxter's Judicature Acts and Rules, 1873-5.—2nd Edit.**

Rewritten and much Enlarged. Crown 8vo., with Supplement, 10s. 6d. cloth.

**THE LAW AND PRACTICE OF THE SUPREME COURT OF JUDICATURE**, comprising the Supreme Court of Judicature Acts, 1873 and 1875; Rules of Court, Forms, Notes arranged section by section, Statutes referred to, and a very copious Index. By **WYNN E. BAXTER**, Solicitor of the Supreme Court. Second Edition. With Supplement, containing the Scale of Fees to be taken under the Act. The Supplement separately, 6d. sewed.

**Woolrych's Law of Sewers.—Third Edition.**

8vo., 12s. cloth.

**A TREATISE of the LAW of SEWERS**, including the **DRAINAGE ACTS**. By **HUMPHRY W. WOOLRYCH**, Serjeant at Law. Third Edition, with considerable Additions and Alterations.

"Two editions of it have been speedily exhausted, and a third called for. The author is an accepted authority on all subjects of this class."—*Law Times*.

"This is a third and greatly enlarged edition of a book which has already obtained an established reputation as the most complete discussion of the subject adapted to modern times. Since the treatise of Mr. Serjeant Callis in the early part of the 17th century,

no work filling the same place has been added to the literature of the Profession. It is a work of no slight labour to digest and arrange this mass of legislation; this task, however, Mr. Serjeant Woolrych has undertaken, and an examination of his book will, we think, convince the most exacting that he has fully succeeded. No one should attempt to meddle with the Law of Sewers without its help."—*Solicitors' Journal*.

**Grant's Law of Corporations in General.**

Royal 8vo., 26s. boards.

**A PRACTICAL TREATISE on the LAW of CORPORATIONS IN GENERAL**, as well Aggregate as Sole; including Municipal Corporations; Railway, Banking, Canal, and other Joint-Stock and Trading Bodies; Dean and Chapters; Universities; Colleges; Schools; Hospitals; with *quasi* Corporations aggregate, as Guardians of the Poor, Churchwardens, Churchwardens and Overseers, etc.; and also Corporations sole, as Bishops, Deans, Canons, Archdeacons, Parsons, etc. By **JAMES GRANT**, Esq., of the Middle Temple, Barrister at Law.

**J. Chitty, jun's. Precedents in Pleading.—Third Edition.**

Complete in 1 vol. royal 8vo., 38s. cloth.

**J. CHITTY, JUN'S. PRECEDENTS in PLEADING**; with copious Notes on Practice, Pleading and Evidence. Third Edition. By the late **TOMPSON CHITTY**, Esq., and by **LEOFRIC TEMPLE**, **R. G. WILLIAMS**, and **CHARLES JEFFERY**, Esquires, Barristers at Law. (Part 2 may, for the present, be had separately, price 18s. cloth, to complete sets.)

**Davis's Law of Registration and Elections.**

One small 12mo. vol., 15s. cloth.

**MANUAL OF THE LAW AND PRACTICE OF ELECTIONS AND REGISTRATION**. Comprising all the Statutes, with Notes and Introduction, and a Supplement containing the Cases on Appeal down to 1869, the Rules relating to Election Petitions, and a complete Index to the whole Work. By **JAMES EDWARD DAVIS**, Esq., Barrister at Law, Author of "Manual of Practice and Evidence in the County Courts," &c.

"A work, which, in our judgment, is the handiest and most useful of the manuals which the Reform Act of 1867 has brought into existence."—*Law Magazine*.

"We think this the best of the new numerous works on this subject. It has a great advantage in its arrangement over those which are merely new editions of works published before the recent legislation. To read through consecutively, in

order to obtain a fair mastery of the whole subject, we have no hesitation in highly recommending this work."—*Solicitors' Journal*.

"No one comes forward with better credentials than Mr. Davis, and the book before us seems to possess the qualities essential to a guide to a discharge of their duties by the officials. The scheme of Mr. Davis's work is very simple."—*Law Journal*.

**THE SUPPLEMENT may be had separately, price 3s. sewed.**

## Scriven's Law of Copyholds.—5th Edit. by Stalman.

Abridged in 1 vol. royal 8vo., 30s. cloth.

**A TREATISE ON COPYHOLD, CUSTOMARY FREEHOLD and ANCIENT DEMESNE TENURE**, with the Jurisdiction of Courts Baron and Courts Leet. By JOHN SCRIVEN, Serjeant at Law. Fifth Edition, containing references to Cases and Statutes to 1867. By HENRY STALMAN, of the Inner Temple, Esq., Barrister at Law.

"No lawyer can see or hear the word 'copyhold' without associating with it the name of Scriven, whose book has been always esteemed not merely the best but the only one of any worth. Until a commutation of the tenure for a fixed rent-charge, after the manner of a tithe commutation, is compelled by the legislature, this treatise will lose none of its usefulness to the solicitors in the country."—*Law Times*.

"It would be wholly superfluous to offer one word of comment on the general body of the work. Scriven on Copyholds has for exactly

half a century been not only a standard work but one of unimpeachable authority, and in its pages the present generation has learned all that is known of copyhold and customary tenures. All that is necessary to say is, that in the present edition of Scriven on Copyholds Mr. Stalman has omitted what it was useless to retain, and inserted what it was necessary to add. Until copyholds have disappeared utterly, it is at least certain that Scriven on Copyholds by Stalman will hold undisputed sway in the profession."—*Law Journal*.

## Shelford's Law of Railways.—Fourth Edition by Glen.

In 2 thick vols. royal 8vo., 63s. cloth.

**SHELFORD'S LAW OF RAILWAYS**; containing the whole of the Statute Law for the Regulation of Railways in England, Scotland and Ireland: with copious Notes of Decided Cases upon the Statutes, Introduction to the Law of Railways, and Appendix of Official Documents. Fourth Edition. By WILLIAM CUNNINGHAM GLEN, Barrister at Law, Author of the "Law of Highways," "Law of Public Health and Local Government," &c.

*From the LAW MAGAZINE.*

"Though we have not had the opportunity of going conscientiously through the whole of this elaborate compilation, we have been able to devote enough time to it to be able to speak in the highest terms of the judgment and ability with which it has been prepared. Its execution quite justifies the reputation which Mr. Glen has already acquired as a legal writer, and proves that no one could have been more properly singled out for the duty he has so well discharged. The work must take its unquestionable position as the leading Manual of the Railway Law of Great Britain. The cases seem to have been examined, and their effect to be stated with much care and accuracy, and no channel from which information could be gained has been neglected. Mr. Glen, indeed, seems to be saturated with knowledge of his subject. The value of the work is greatly increased by a number of supplemental decisions, which give all the cases up to the time of publication, and by an index which appears to be thoroughly exhaustive."

*From the LAW TIMES.*

"Mr. Glen has done wisely in preserving that reputation, and, as far as possible, the text of Shelford—though very extensive alterations and additions have been required. But he has a claim of his own. He is a worthy successor of the original author, and possesses much of the same industry, skill in arrangement and astuteness in enumerating the points really decided by cited cases. But we have said enough of a work already so well known. It will have a place not in the library of the lawyer alone. It is a book which every railway office should keep on its shelf for reference."

*From the LAW JOURNAL.*

"Mr. Glen has modestly founded his work as a superstructure on that of Mr. Leonard Shelford, but he has certainly claims to publish it as a purely independent composition. The toil has been as great, and the reward ought to be as complete, as if Mr. Glen had disregarded all his predecessors in the production of treatises on

railway law. Since the year 1864 he has been unceasingly engaged in collecting materials, and though he has been ready for the printer for some time, and has delayed the appearance of the volumes in the expectation of legislative changes in railway law, yet he has expended full five years of care and attention on his work. Let us hope that he will have no cause to think his labour has been in vain. *Let us rather venture to predict that Mr. Cunningham Glen's edition of Shelford on Railways will be the standard work of our day in that department of law.*"

*From the JUSTICE OF THE PEACE.*

"Far be it from us to undervalue Mr. Shelford's labours, or to disparage his merits. But we may nevertheless be permitted to observe that what has hitherto been considered as the best work on the subject" (Shelford) *has been immeasurably improved by the application of Mr. Glen's diligence and learning.* Sufficient, however, has been done to show that it is in every respect worthy of the reputation which the work has always enjoyed. We feel little doubt that the credit of that work will be greatly increased by Mr. Glen's instrumentality, and that not only will he have ably maintained its reputation by his successful exertions, but that he will have added materially to it."

*From the SOLICITORS' JOURNAL.*

"The practitioner will find here collected together all the enactments bearing on every possible subject which may come before him in connection with railways or railway travelling. Whatever questions may arise the lawyer who has this book upon his shelves, may say to himself: 'If there has been any legislation at all connected with this branch of the subject I shall at once find it in Shelford'; and it needs not to be said that on this account the book will be a very 'comfortable' one to possess. The collection is equally exhaustive in the matter of rules, orders, precedents and documents of official authority. To sum up our review: as a collection of statutes and general information the work will prove extremely useful, because in these respects it is so perfectly exhaustive."

## Mr. Oke's Magisterial Works.

**Oke's Laws as to Licensing Inns, 1874, &c. &c. ;** containing the Licensing Acts, 1872 and 1874, and the other Acts in force as to Alehouses, Beer-houses, Wine and Refreshment-houses, Shops, &c., where Intoxicating Liquors are sold, and Billiard and Occasional Licences. Systematically arranged, with Explanatory Notes, the authorized Forms of Licences, Tables of Offences, Index, &c. By GEORGE C. OKE, late Chief Clerk to the Lord Mayor of London. Second Edition, by W. C. GLEN, Esq., Barrister at Law. Post 8vo., 10s. cloth.

"A new edition of the late Mr. Oke's carefully prepared manual is rendered necessary by recent changes in the law, and Mr. Glen has done his work well. He has made the book of 1872 available as a book of reference in 1874. It is very fortunate that there is a well indexed treatise to refer to, for lawyers may have a great deal of business in respect of the last Licensing Act."—*Law Journal*, Sept. 12th, 1874.

"Mr. Oke has brought out by far the best edition of the act, or perhaps we should say a treatise on it. Everything appears to be given which can by possibility be required, and the forms are abundant."—*Law Times*.

"We have to acknowledge a second edition of the late Mr. Oke's Licensing Law, edited by Mr. W. C. Glen. Recent legislation has been added so as to make the work a complete book of reference on the subject of which it treats down to the present time."—*Law Times* (second notice).

"This treatise on the Licensing Laws is accurate and thoroughly practical. Of Mr. Oke's treatment of his subject we can speak with the highest praise. The book will no doubt at once take its place as the recognized guide for those who have to do with licensing

law. The table of offences is especially valuable."—*Solicitors' Journal*.

"The arrangement in chapters by Mr. Oke seems to us better than the plan pursued by the authors of the rival work, and we think that Mr. Glen has done well to leave in many cases a concise statement of the effect of the legislation repealed by the late Act. He also gives a useful list of places beyond the metropolitan district, and in the police district."—*Solicitors' Journal* (second notice).

"Messrs. Butterworth have judiciously confided the task of revision to the pen of Mr. Cunningham Glen; the whole is comprised in a well got up volume of 353 pages. Both the table of contents and the index are capitally arranged, and afford every facility for reference."—*Brewers' Guardian*.

"We can pronounce a favourable opinion with a clear conscience, and that verdict is, that for fulness, perspicuity, careful indexing and exhaustive treatment of dubious and debatable points, this neatly printed volume is the most comprehensive, convenient and reliable digest of the often indigestible licensing laws that has yet appeared."—*Licensed Victuallers' Gazette*.

**Oke's Magisterial Synopsis ; a Practical Guide for** Magistrates, their Clerks, Attornies, and Constables; Summary Convictions and Indictable Offences, with their Penalties, Punishments, Procedure, &c., being alphabetically and tabularly arranged: with a Copious Index. Eleventh Edition, much enlarged. By GEORGE C. OKE, late Chief Clerk to the Lord Mayor of London. In 2 vols. 8vo. 63s. cloth.

"The tenth edition of this valuable work was published so recently as 1868, and this fact is more eloquent of the merits of Mr. Oke's labours than any amount of commendation from us. It is only necessary that we should notice the appearance of this last (eleventh) edition, 1872, which we do with much pleasure."—*Law Times*.

"This is the eleventh edition of Mr. Oke's work since 1848, a fact which speaks for itself. The profession and the public have proved by experience the excellence of the book; and the personal supervision of the author is a guarantee that the present edition is equal to its predecessors. Mr. Oke's labour in preparing it must have been considerable, and the rapid growth of magisterial jurisdiction having

rendered it necessary to insert much new matter and to rewrite and condense no small portion of the old. In the result, in spite of every effort made to keep down the bulk of the volume, it has been absolutely necessary to add 200 pages. The whole Synopsis now consists of nearly 1,600 pages of elaborately arranged and carefully digested information. It is needless to say that we cannot do more than indicate in very general terms the contents of this valuable work. Mr. Oke may well be proud of it. The result of his labours is highly creditable to him, and he deserves the thanks of all who in any capacity are engaged in the administration of justice."—*Solicitors' Journal*.

**Mr. Oke's Magisterial Works—continued.**

**Oke's Magisterial Formulist; being a Complete Collection of Forms and Precedents for practical use in all Cases out of Quarter Sessions, and in Parochial Matters, by Magistrates, their Clerks, Attorneys and Constables. Fifth Edition, enlarged and improved. By THOMAS W. SAUNDERS, Esq., Barrister at Law and Recorder of Bath. 8vo. 38s. cloth.** (Now ready.)

"The progress of the legislature with reference to subjects in the jurisdiction of magistrates has been rapid during recent years, and consequently the labours imposed upon authors and editors of works dealing with such subjects have been proportionately increased. In Mr. Saunders' preface will be found an enumeration of statutes which were not even in embryo at the time when Mr. Oke brought out the last edition of his valuable Formulist. Therefore Mr. Saunders has not been called upon to perform the functions of an annotator merely. He has had to create just as Mr. Oke created when he wrote his book. This of course has necessitated the enlargement and remodelling of the Index. No work, probably, is in more use in the offices of magistrates than Oke's Formulist. That it should be reliable and comprehend recent enactments is of the very first importance. In selecting Mr. Saunders to follow in the steps of Mr. Oke the publishers exercised wise discretion, and we congratulate both author and publishers upon the complete and very excellent manner in which this edition has been prepared and is now presented to the profession."—*Law Times*, March 4th, 1876.

"In noticing the fifth edition of the companion work to the Synopsis we cannot forbear to express again our regret that the original author of these two famous books is no longer among us, able and willing to give to the legal world new editions of those treatises which are likely to preserve their reputation as long as the law which they teach lasts. The duty of editing anew the Magisterial Formulist has

fallen upon the Recorder of Bath, whose experience and industry ought to furnish a guarantee that in his hands a work of so much value and celebrity will not lose any of its former attributes. Everyone acquainted with the subject is well aware that in practice a multiplicity of forms is required in the enforcement of the provisions of statutes appertaining to magisterial matters. Modern statutes usually supply some of the more important forms, but these are not readily available unless grouped under the proper heads in some handy treatise. Apart from the statutory forms there is a daily and hourly need of forms pressing upon clerks to justice, and their time is too valuable to admit of the labour of drawing what is wanted on an emergency. There is not a member of this most important and intelligent class of men who has not learned to look upon Oke's Formulist as a trusty friend and safe guide in the moment of need, and who will not welcome an edition which embraces the novel matter required by fresh legislation. When we find that 900 pages are occupied with these forms, and that the Index alone consists of 100 pages, we can form some idea of the task which Mr. Saunders has undertaken, the performance of which ought to add to his repute. Mr. Saunders has compiled a new table of statutes connected with the forms, an addition which will certainly be found useful. The edition is with much propriety dedicated to the Secretary of State for the Home Department, whose ability and impartiality in matters magisterial is universally acknowledged."—*Law Journal*, March 4th, 1876.

**Oke's Law of Turnpike Roads; comprising the whole of the General Acts now in force, including those of 1861; the Acts as to Union of Trusts, for facilitating Arrangements with their Creditors, as to the interference by Railways with Roads, their non-repair, and enforcing contributions from Parishes, &c., practically arranged. With Cases, copious Notes, all the necessary Forms, and an elaborate Index, &c. By GEORGE C. OKE. Second Edition. 12mo. 18s. cloth.**

"All Mr. Oke's works are well done, and his 'Turnpike Laws' is an admirable specimen of the class of books required for the

guidance of magistrates and legal practitioners in country districts."—*Solicitors' Journal*.

**Oke's Handy Book of the Game Laws; containing the whole Law as to Game, Licences and Certificates, Poaching Prevention, Trespass, Rabbits, Deer, Dogs, Birds and Poisoned Grain throughout the United Kingdom. Systematically arranged, with the Acts, Decisions, Notes, Forms, Suggestions, &c. By GEORGE C. OKE, Author of "The Magisterial Synopsis," &c. Third Edition. B. J. W. WILLIS BUND, Esq., Barrister at Law. 12mo. 1876.** (In the Press.)

**Oke's Fishery Laws; comprising Private and Salmon Fisheries in England. Second Edition. By J. W. WILLIS BUND, Esq., Barrister at Law. 1 vol. 12mo. 1876.** (In the Press.)

**Crump's Marine Insurance and General Average.**

Royal 8vo., 21s. cloth.

**THE PRINCIPLES** of the **LAW RELATING to MARINE INSURANCE and GENERAL AVERAGE** in England and America, with occasional references to French and German Law. By **FREDERIC OCTAVIUS CRUMP**, of the Middle Temple, Esq., Barrister at Law.

"Three years have elapsed since the publication of an edition of a standard work on Marine Insurance. During those years numerous important cases have been decided—cases establishing principles in many instances novel and of the last consequence to parties to policies. The author believes that all the decisions reported up to the date of publication will be found noted in his work."—*Extract from Preface.*

"This is decidedly a clever book. We always welcome cordially any genuine effort to strike out a new line of legal exposition, not merely because such effort may more effectually teach law, but because it may exhibit a better method than we now possess of expressing law. The author does not venture to use the term 'codification' in speaking of the design of this book. He is content if he has made a single step in advance towards simplification, and so much merit we have no hesitation in awarding to him. From the extracts we have made it is manifest that the author has followed the fashion neither of the ordinary text book nor the plan of a digest of cases, but that he has developed a method nearly approaching to 'codification.' We have been at pains to search the book for many of the most recent cases in marine insurance, and although some of them are exactly of a character to puzzle and embarrass a codifier, Mr. Crump has dealt successfully with them. We think we may fairly congratulate the author upon the production of a work original in design, excellent in arrangement, and as complete as could fairly be expected."—*Law Journal.*

"The principles and practice of general average are included in this admirable summary."—*Standard.*

"Alphabetically arranged this work contains a number of the guiding principles in the judge-made law on this subject, which has got into such a tangle of precedents that a much less careful digest than that under the above title would have been welcome to students as well as merchants. Mr. Crump has made a very commendable effort at brevity and clearness."—*Economist.*

"The plan of the work differs materially, and, we think, advantageously, from the ordinary text-book. Commencing with the principle of an alphabetical arrangement, Mr. Crump enumerates all the definitions and settled principles of the branch of the law selected by him for treatment, giving careful references for every statement, but repudiating the perfunctory method of adhering slavishly to the actual words of the authorities. By this system several advantages are secured. We have examined several of Mr. Crump's propositions in order to test him on these points, and the result is decidedly in his favour. We have no hesitation in commending the plan of Mr. Crump's book; its use in actual practice must, of course, be the ultimate gauge of its accuracy and completeness; but from the tests that we have applied we have little doubt that it will stand the ordeal satisfactorily."—*Athenaeum.*

"His design is to compile a digested summary of rules, tersely expressed and easy of

reference; and though such a work can never supersede treatises like those of Arnould, Phillips, or Duer, he has produced what will be a very useful manual of reference and will guide the practitioner to the sources where he will find the principles more fully developed. The work, which must have involved great labour, appears to us to have been executed with fulness, accuracy and fidelity, and its value is much increased by references not only to English and American decisions and text-writers, but to the French and German law on the same subject. Considering the narrow compass within which it is comprised, we have been surprised to find how complete and comprehensive it appears to be; and if further experience should justify the expectations which our perusal of it induces us to form, Mr. Crump will not be disappointed in his hope that he has made 'a step in advance towards simplification—not to use the term codification—of the law.'"—*Solicitors' Journal.*

"There are many portions of it well arranged, and where the law is carefully and accurately stated."—*Law Magazine.*

"It is at once a treatise and a dictionary on the difficult and complicated branch of the law with which it deals, and to which Mr. Crump has in this volume done something to give an orderly simplicity."—*Daily News.*

"We rejoice at the publication of the book at the head of this notice. Mr. Crump is a bold man, for he has positively made an innovation. Instead of a ponderous tome, replete with obsolete law, useless authorities and antiquated quotations, we have a handy, clearly-written and well-printed book, seemingly containing the whole law on the subject, in the shape of a digest of decided cases, in the very words of the judges, and leaving nothing doubtful and misleading to beguile the reader. It is true that such a plan increases the trouble of the author, but, as it diminishes that of the reader, he may pardon the irregularity. Seriously speaking, Mr. Crump's book seems very perfect, and is certainly very clear in its arrangement and complete in its details, conscientiously going into the most minute points and omitting nothing of importance."—*Irish Law Times.*

"Mr. Crump has here compiled a work on Marine Insurance and General Average, and brought down the judicial decisions to April, 1875. The subject-matter of the book in every instance is printed in large type, and the clauses followed by smaller letters of reference. This makes the work convenient for consultation, and the law cases being appended to every paragraph with quotations from the laws of foreign countries, its conciseness in the mode of explanation tends to render the author's reasonings intelligible more readily than they would otherwise have been if overlaid by laborious dissertations upon the cases and effects of decisions on disputed points. Mr. Crump enhances the value of his book by naming the authorities from whence he derives his information. Mr. Crump, we may observe, in this treatise of the law of Average and Insurance, has supplied a ready armoury of reference."—*Shipping and Mercantile Gazette.*

### Chadwick's Probate Court Manual.

Royal 8vo., 12s. cloth.

**EXAMPLES of ADMINISTRATION BONDS** for the COURT OF PROBATE; exhibiting the Principle of various Grants of Administration, and the correct Mode of preparing the Bonds in respect thereof; also Directions for preparing the Oaths, arranged for practical utility. With Extracts from the Statutes; also various Forms of Affirmation prescribed by Acts of Parliament, and a Supplemental Notice, bringing the work down to 1865. By SAMUEL CHADWICK, of Her Majesty's Court of Probate.

"We undertake to say that the possession of this volume by practitioners will prevent many a hitch and awkward delay, provoking to the lawyer himself and difficult to be satisfactorily explained to the clients."—*Law Magazine and Review*.

"Mr. Chadwick's volume will be a necessary

part of the law library of the practitioner, for he has collected precedents that are in constant requirement. This is purely a book of practice, but therefore the more valuable. It tells the reader what to do, and that is the information most required after a lawyer begins to practise."—*Law Times*.

### Glen's Poor Law Orders.—Seventh Edition.

Post 8vo., 21s. cloth.

The **GENERAL CONSOLIDATED** and other **ORDERS** of the **POOR LAW COMMISSIONERS** and the **POOR LAW BOARD**; with explanatory Notes elucidating the Orders, Tables of Statutes, Cases and Index to the Orders and Cases. By W. C. GLEN, Esq., Barrister at Law. Seventh Edition.

### Bulley and Bund's Bankruptcy Manual: with Supplement.

12mo., 16s. cloth.

A **MANUAL** of the **LAW** and **PRACTICE** of **BANKRUPTCY** as Amended and Consolidated by the Statutes of 1869: with an **APPENDIX** containing the Statutes, Orders and Forms. By JOHN F. BULLEY, B.A., of the Inner Temple, Esq., Barrister at Law, and J. W. WILLIS-BUND, M.A., LL.B., of Lincoln's Inn, Esq., Barrister at Law. With Supplement, including the Orders to 30th April, 1870.

THE SUPPLEMENT may be had separately, 1s. sewed.

### Coombs' Manual of Solicitors' Bookkeeping.

8vo., 10s. 6d. cloth.

A **MANUAL** of **SOLICITORS' BOOKKEEPING**: comprising Practical Exemplifications of a Concise and Simple Plan of Double Entry, with Forms of Account and other Books relating to Bills, Cash, &c., showing their Operation, giving Instructions for Keeping, Posting and Balancing them, and Directions for Drawing Costs, adapted to a large or small, sole or partnership business. By W. B. COOMBS, Law Accountant and Costs Draftsman.

••• *The various Account Books described in the above System, the forms of which are copyright, may be had from the Publishers at the prices stated in the work, page 274.*

"It adds some excellent instructions for drawing bills of costs. Mr. Coombs is a practical man, and has produced a practical book."—*Law Times*.

"He has performed his task in a masterly manner, and in doing so has given the why and the wherefore of the whole system of Solicitors' Bookkeeping. The volume is the most comprehensive we remember to have seen on the subject, and from the clear and intelligible manner in which the whole has been worked out it will render it unexceptionable in the hands of the student and the practitioner."—*Law Magazine*.

"So clear do the instructions appear, that a

tyro of average skill and abilities, with application, could under ordinary circumstances open and keep the accounts of a business; and so far as we can judge, the author has succeeded in his endeavour to divest Solicitors' Bookkeeping of complexity, and to be concise and simple, without being inefficient."—*Law Journal*.

"This is not merely a valuable addition to the library of every solicitor, it is a book that every articulated clerk, now that intermediate examinations embrace bookkeeping, will be read with profit and benefit to himself. It may be fairly said to exhaust the subject of which it treats."—*Solicitors' Journal*.

**Starkie on Slander.—4th Edition by Folkard.**

One thick Volume, 45s. cloth.

THE LAW of SLANDER and LIBEL, including the Pleading, Practice and Evidence, Civil and Criminal, with Precedents: also Malicious Prosecutions, Contempts of Court, &c. Fourth Edition of the late Mr. Starkie's Treatise, by H. C. FOLKARD, Esq., Barrister at Law.

**Hertslet's Commercial Treaties.**

12 vols., 8vo., 14l. 15s. boards.

HERTSLET'S TREATIES of Commerce, Navigation, Slave Trade, Post Office Communications, Copyright, &c., at present subsisting between Great Britain and Foreign Powers. Compiled from Authentic Documents by EDWARD HERTSLET, Esq., C.B., Librarian and Keeper of the Papers of the Foreign Office.

•• Vol. 1, price 12s.; Vol. 2, price 12s.; Vol. 3, price 18s.; Vol. 4, price 18s.; Vol. 5, price 20s.; Vol. 6, price 25s.; Vol. 7, price 30s.; Vol. 8, price 30s.; Vol. 9, price 30s.; Vol. 10, price 30s.; Vol. 11, price 30s.; Vol. 12, price 40s.; may be had separately to complete sets. Vol. 12 includes an Index of Subjects to the Twelve published Volumes, which Index is also sold separately, price 10s. cloth.

**Hertslet's Treaties on Trade and Tariffs.**

In royal 8vo.

TREATIES and TARIFFS regulating the Trade between Great Britain and Foreign Nations, and Extracts of the Treaties between Foreign Powers, containing "Most Favoured Nation" Clauses applicable to Great Britain in force on the 1st January, 1875. By EDWARD HERTSLET, Esq., C.B., Librarian and Keeper of the Papers of the Foreign Office. Part I.—*Austria*, 7s. 6d. cloth. Part II.—*Turkey*, 15s. cloth.

"This is one of a series of valuable works bearing on the trade of England and foreign nations, the present instalment dealing with

our commercial relations with Turkey."—*Standard*.

**Wills on Circumstantial Evidence.—Fourth Edition.**

8vo., 10s. cloth.

AN ESSAY on the PRINCIPLES of CIRCUMSTANTIAL EVIDENCE. Illustrated by numerous Cases. By the late WILLIAM WILLS, Esq. Fourth Edition, edited by his Son, ALFRED WILLS, Esq., Barrister at Law.



**Dr. Tristram's Probate Contentious Practice.—7th Edit.**

In 1 vol. 8vo., cloth.

**THE CONTENTIOUS PRACTICE OF THE PROBATE DIVISION OF THE HIGH COURT OF JUSTICE.** By T. H. TRISTRAM, D.C.L., Advocate and Barrister at Law (and one of the compilers of the Rules and Orders under the Supreme Court of Judicature Acts). Seventh Edition. *(In the Press.)*

**Trower's Church Building Laws, 1874.**

Post 8vo., 9s. cloth.

**THE LAW of the BUILDING of CHURCHES, PARSONAGES, and SCHOOLS, and of the Division of Parishes and Places.** By CHARLES FRANCIS TROWER, M.A., of the Inner Temple, Esq., Barrister at Law, late Fellow of Exeter College, Oxford, and late Secretary of Presentations to Lord Chancellor Westbury.

"We may pronounce it a useful work: It contains a great mass of information of essential import, and those who, as parishioners, legal advisers, or clergymen, are concerned with glebes, endowments, district chapels, parishes, ecclesiastical commissions, and such like matters, about which the public, and notably the clerical public, seem to know but little, but which it is needless to say are matters of much importance."—*Solicitors' Journal*.

"His book is just the one we could wish every clergyman to possess, for if it was in the hands of our readers they would be saved the trouble of asking us very many questions."—*Clerical Journal*.

"In a well-arranged volume this gentleman points out concisely and intelligibly how the difficulties which usually beset parties in such matters may be avoided."—*Oxford University Herald*.

"On all the topics germane to its title this volume will be found a handy book of ecclesiastical law, and should on that account be made widely known among the clergy."—*Church Mail*.

"It is a compact and handy treatise, very clearly written, well arranged, easy of reference, and, besides a good table of contents, it has an elaborate index. It is a book we are glad to have and to recommend."—*Literary Churchman*.

**Benham's Student's Examination Guide.**

12mo., 3s. cloth.

**THE STUDENT'S GUIDE to the PRELIMINARY EXAMINATION for ATTORNEYS and SOLICITORS, and also to the Oxford and Cambridge Local Examinations and the College of Preceptors; to which are added numerous Suggestions and Examination Questions, selected from those asked at the Law Institution.** By JAMES ERLE BENHAM, of King's College, London.

**Latham's Law of Window Lights.**

Post 8vo., 10s. cloth.

**A TREATISE on the LAW of WINDOW LIGHTS.** By FRANCIS LAW LATHAM, of the Inner Temple, Esq., Barrister at Law.

"This is not merely a valuable addition to the law library of the practitioner, it is a book that every law student will read with profit. It exhausts the subject of which it treats."—*Law Times*.

"His arrangement is logical, and he discusses fully each point of his subject. The work, in our opinion, is both perspicuous and able, and we cannot but compliment the author on it."—*Law Journal*.

**Drewry's Equity Pleader.**

12mo., 6s. cloth.

**A CONCISE TREATISE on the PRINCIPLES of EQUITY PLEADING; with Precedents.** By C. STEWART DREWRY, of the Inner Temple, Esq., Barrister at Law.

"It will be found of great utility as introductory to the more elaborate treatises, or to

refresh the memory after the study of the larger books."—*Law Times*.

**Lushington's Naval Prize Law.**

Royal 8vo., 10s. 6d. cloth.

**A MANUAL of NAVAL PRIZE LAW.** By GODFREY LUSHINGTON, of the Inner Temple, Esq., Barrister at Law.

**Saunders' Law of Negligence.**

1 vol., post 8vo., 9s. cloth.

**A TREATISE on the LAW applicable to NEGLIGENCE.**  
By THOMAS W. SAUNDERS, Esq., Barrister at Law, Recorder of Bath.

"The book is admirable; while small in bulk, it contains everything that is necessary, and its arrangement is such that one can readily refer to it. Amongst those who have done good service, Mr. Saunders will find a place."—*Law Magazine*.

"In the useful little volume now before us he has gathered the whole law of negligence. All his works are distinguished by painstaking and accuracy. This one is no exception; and the subject, which is of very extensive interest, will insure for it a cordial welcome from the profession."—*Law Times*.

"The references to the cases are given much more fully, and on a more rational system than is common with text book writers. He has a good index; he has produced a work which will facilitate reference to the authorities."—*Solicitors' Journal*.

"As a work of reference the book will be very welcome in the office of the solicitor or in the chambers of the barrister."—*Morning Advertiser*.

"A short and clear treatise like the present on the law relating to the subject ought to be welcomed. It is a moderate size volume, and makes references to all the authorities on the question easy."—*Standard*.

"It is a great advantage to the legal profession to find all the law of negligence collected and arranged in a manual of reasonable size. Such is Mr. Saunders' book."—*Public Opinion*.

"A serviceable and seasonable treatise on the law of negligence, by Thomas W. Saunders, Esq., Recorder of Bath."—*Telegraph*.

"A careful treatise on a branch of law which is daily acquiring importance. The manual before us is a useful treatise."—*Echo*.

**Ingram's Law of Compensation.—2nd Edit. by Elmes.**

Post 8vo., 12s. cloth.

**COMPENSATION to LAND and HOUSE OWNERS:** being a Treatise on the Law of the Compensation for Interests in Lands, &c. payable by Railway and other Public Companies; with an Appendix of Forms and Statutes. By THOMAS DUNBAR INGRAM, of Lincoln's Inn, Esq., Barrister at Law. Second Edition. By J. J. ELMES, of the Inner Temple, Esq., Barrister at Law.

"We say at once that it is a work of great merit. It is a concise, clear and complete exposition of the law of compensation applicable to the owners of real property and railway and other companies."—*Law Magazine*.

"Whether for companies taking land or holding it, Mr. Ingram's volume will be a welcome guide. With this in his hand the legal adviser of a company, or of an owner and occupier whose property is taken, and who demands compen-

sation for it, cannot fail to perform his duty rightly."—*Law Times*.

"This work appears to be carefully prepared as regards its matter. This edition is a third larger than the first; it contains twice as many cases, and an enlarged index. It was much called for, and doubtless will be found very useful to the practitioner."—*Law Magazine*, second notice.

**Cutler's Law of Naturalization.**

12mo., 3s. 6d. cloth.

**THE LAW of NATURALIZATION; as Amended by the Acts of 1870.** By JOHN CUTLER, B.A., of Lincoln's Inn, Barrister at Law, Editor of "Powell's Law of Evidence," &c.

"The author's position as Professor of English Law and Jurisprudence is a guarantee of his legal competence, whilst his literary abilities have enabled him to clothe his legal knowledge in language which laymen can understand without being misled by it."—*John Bull*.

"Mr. Cutler, in the work before us, lucidly explains the state of the law previous to the recent statute, and shows the alterations produced by it, so that a careful perusal of this book will enable the reader fully to comprehend the present state of the law upon this most important subject."—*Justice of the Peace*.

"This little work will be found of use to our countrymen resident abroad, as well as to

foreigners resident in this country."—*Public Opinion*.

"The book is a model of what a treatise of its kind should be."—*Sunday Times*.

"A very convenient hand-book to the law of naturalization, as amended by the Acts of 1870."—*Weekly Times*.

"To anyone not having much previous acquaintance with the subject, who wishes for a general sketch of the law affecting aliens, as it was, and as it is now, this book will be useful."—*Solicitors' Journal*.

"It has been carefully compiled, and the authorities referred to are accurately cited."—*Pall Mall Gazette*.

## Hunt on Frauds and Bills of Sale.

Post 8vo., 9s. cloth.

The LAW relating to FRAUDULENT CONVEYANCES, under the Statutes of Elizabeth and the Bankrupt Acts: with Remarks on the Law relating to Bills of Sale. By ARTHUR JOSEPH HUNT, of the Inner Temple, Esq., Barrister at Law, Author of "The Law relating to Boundaries, Fences and Foreshores."

"This work is calculated to be of service to the profession. Mr. Hunt has brought to bear upon the subject a clearness of statement, an orderliness of arrangement and a subtlety of logical acuteness which carry him far towards a complete systematization of all the cases. Neither has his industry been lacking: the cases that have arisen under the Bankruptcy Act, 1869, and under the Bills of Sale Act have been carefully and completely noted up and disposed of by him in their appropriate places. The index also is both accurate and careful and secures much facility of reference to the various matters which are the subjects of the work."—*Law Magazine*.

"Though smaller in size, Mr. Hunt's book deals with fraudulent conveyances under the Bankruptcy Acts, a subject which Mr. May in his work left almost untouched, although his book has the undoubted merit of being the first to break fresh ground in treating fraudulent conveyances in a separate volume. In

reviewing that book last year we took occasion, while praising the industry and care with which it was compiled, to remark on the obscurity of its style. In this respect its younger rival has considerable advantage. Mr. Hunt's book is as readable as a treatise on so technical a subject can well be made. Mr. Hunt's arrangement of his materials follows an orderly and intelligible plan. The index is apparently carefully prepared, and the table of cases shews that none of the recent cases have been overlooked. Mr. Hunt has produced a really useful book unencumbered by useless matter, which deserves great success as a manual of the law of fraudulent dispositions of property."

—*Law Journal*.

"The author has collected with industry and care the authorities bearing on the question he has undertaken to deal with. The matter is conveniently broken up, and the reader is assisted by a good index."—*Solicitors' Journal*.

## Fry's Specific Performance of Contracts.

8vo., 16s. cloth.

A TREATISE on the SPECIFIC PERFORMANCE of CONTRACTS, including those of Public Companies, with a Preliminary Chapter on the Provisions of the Chancery Amendment Act, 1858. By EDWARD FRY, B.A., of Lincoln's Inn, Esq., one of Her Majesty's Counsel.

The practitioner who uses it as a text book will find in it an adviser who will tell him not only what the law is, but how it may be enforced."—*Law Times*.

"Mr. Fry's work presents in a reasonable compass a large quantity of modern learning on the subject of contracts, with reference to the common remedy by specific performance, and will

thus be acceptable to the profession generally."—*Law Chronicle*.

"Mr. Fry's elaborate essay appears to exhaust the subject, on which he has cited and brought to bear, with great diligence, some 1,500 cases, which include those of the latest reports."—*Law Magazine and Review*.

## Wright's Law of Conspiracy.

8vo., 4s. cloth.

THE LAW of CRIMINAL CONSPIRACIES and AGREEMENTS. By R. S. WRIGHT, of the Inner Temple, Barrister at Law, Fellow of Oriel Coll., Oxford.

## Michael and Will's Law of Gas and Water Supply.

Post 8vo., 18s. cloth.

THE LAW of GAS and WATER SUPPLY; comprising the Rights and Duties as well of Local Authorities as of Private Companies in regard thereto, and including the Legislation of the last Session of Parliament. By W. II. MICHAEL and J. SHIRESS WILL, Esqrs., Barristers at Law.

"An honest and a successful attempt to deal with the laws affecting gas and water supply."—*Law Journal*.

"We feel thoroughly justified in recommending the volume to the attention of the com-

panies, the public and the profession."—*Law Times*.

"On the whole, we can thoroughly recommend the work to those who require guidance on the subject."—*Solicitors' Journal*.

**Glen's Law of Highways.—Third Edition.**

In the Press. Post 8vo.

The LAW of HIGHWAYS: comprising the Highway Acts 1835, 1862 and 1864; the South Wales Highway Act; the Statutes and Decisions of the Courts on the subject of Highways, Bridges, Ferries, &c., including the Duties of Highway Boards, Surveyors of Highways, the Law of Highways in Local Board of Health Districts; Highways affected by Railways, and Locomotives on Highways. With an Appendix of Statutes in force relating to Highways. By W. CUNNINGHAM GLEN, Esq., Barrister at Law. Third Edition.

**Glen's Law of Public Health.—Eighth Edition.**

Just published, 8vo., 30s. cloth.

THE LAW relating to PUBLIC HEALTH and LOCAL GOVERNMENT, and Urban and Rural Sanitary Authorities, including the Law relating to the Removal of Nuisances injurious to Health and the Prevention of Disease; with Statutes and Cases. By W. CUNNINGHAM GLEN and ALEXANDER GLEN, B.A., LL.B., Barristers at Law. Eighth Edition.

**Holland on the Form of the Law.**

8vo., 7s. 6d. cloth.

ESSAYS upon the FORM of the LAW. By THOMAS ERSKINE HOLLAND, M.A., Fellow of Exeter College, and Chichele Professor of International Law in the University of Oxford, and of Lincoln's Inn, Barrister at Law.

"A work of great ability."—*Athenæum*.  
 "Entitled to very high commendation."—*Law Times*.

"The essays of an author so well qualified to write upon the subject."—*Law Journal*.

"We can confidently recommend these

essays to our readers."—*Law Magazine*.

"A work in which the whole matter is easily intelligible to the lay as well as the professional public."—*Saturday Review*.

"Mr. Holland's extremely valuable and ingenious essays."—*Spectator*.

**Heales's History and Law of Pews.**

2 vols. 8vo., 16s. cloth.

The HISTORY and LAW of CHURCH SEATS or PEWS.  
 By ALFRED HEALES, F.S.A., Proctor in Doctors' Commons.

"Great pains have evidently been taken in the compilation of this work, which exhibits throughout an immense amount of research and a careful arrangement of cases and extracts."—*Law Magazine*.

"The work deserves a place in all public libraries, and doubtless many practitioners, especially those whose law learning has any

antiquarian proclivities, will be glad to possess it. For original research and faithful labour in verifying references no other writer can lay any claim to come anywhere near Mr. Heales. The author deserves particular commendation for the conscientious labour with which he has traced up all his authorities."—*Solicitors' Journal*.

**Parkinson's Common Law Chamber Practice.**

12mo., 7s. cloth.

A HANDY BOOK FOR THE COMMON LAW JUDGES' CHAMBERS. By GEO. H. PARKINSON, Chamber Clerk to the Hon. Mr. Justice Byles.

"So much work is now done in Common Law Chambers by junior clerks that such a little treatise is much wanted. Mr. Parkinson has performed his task skilfully and with care."—*Solicitors' Journal*.

"The practice in Chambers has become sufficiently important to call for a treatise devoted to it, nor could a more competent man for the task have presented himself than Mr. Parkinson."—*Law Times*.

### Smith's Practice of Conveyancing.

Post 8vo., 6s. cloth.

AN ELEMENTARY VIEW of the PRACTICE of CONVEYANCING in SOLICITORS' OFFICES; with an Outline of the Proceedings under the Transfer of Land and Declaration of Title Acts, 1862, for the use of Articled Clerks. By EDMUND SMITH, B.A., late of Pembroke College, Cambridge. Attorney and Solicitor.

### Tomkins' Institutes of Roman Law.

Part I. royal 8vo. (to be completed in Three Parts) 12s. cloth.

THE INSTITUTES OF THE ROMAN LAW. PART I. The Sources of the Roman Law and its external History to the decline of the Eastern and Western Empires. By FREDERICK J. TOMKINS, M.A., D.C.L., Barrister at Law, of Lincoln's Inn.

### Gaius's Roman Law, by Tomkins and Lemon.

Complete in 1 vol. 8vo., 27s. cloth extra.

THE COMMENTARIES OF GAIUS ON THE ROMAN LAW: with an English Translation and Annotations. By FREDERICK J. TOMKINS, Esq., M.A., D.C.L., and WILLIAM GEORGE LEMON, Esq., LL.B. Barristers at Law, of Lincoln's Inn.

### Williams's Common Law Pleading and Practice.

8vo., 12s. cloth.

An INTRODUCTION to PRACTICE and PLEADING in the SUPERIOR COURTS of LAW, embracing an outline of the whole proceedings in an Action at Law, on Motion, and at Judges' Chambers; together with the Rules of Pleading and Practice, and Forms of all the principal Proceedings. By WATKIN WILLIAMS, Esq., M.P., of the Inner Temple, Barrister at Law.

"For the Student especially the book has features of peculiar value, it is at the same time scientific and practical, and throughout the work there is a judicious union of general principles

with a practical treatment of the subject, illustrated by forms and examples of the main proceedings."—*Jurist*.

### Smith's Bar Education.

8vo., 9s. cloth.

A HISTORY of EDUCATION for the ENGLISH BAR, with SUGGESTIONS as to SUBJECTS and METHODS of STUDY. By PHILIP ANSTIE SMITH, Esq., M.A., LL.B., Barrister at Law.

### Browning's Divorce and Matrimonial Causes Practice.

Post 8vo., 8s. cloth.

THE PRACTICE and PROCEDURE of the COURT for DIVORCE and MATRIMONIAL CAUSES, including the Acts, Rules, Orders, copious Notes of Cases and Forms of Practical Proceedings, with Tables of Fees and Bills of Costs. By W. ERNST BROWNING, Esq., Barrister at Law.

## Redman's Law of Arbitrations and Awards.

8vo., 12s. cloth.

**A CONCISE TREATISE on the LAW of ARBITRATIONS and AWARDS, with an Appendix of Precedents and Statutes. By JOSEPH HAWORTH REDMAN, of the Middle Temple, Esq., Barrister at Law.**

"Mr. Redman goes straight through his task, and gives his cases at the end of his propositions. The chief merit of the work is the singular lucidity with which the law is expounded. We give the work all the praise which it can claim when we say that the arrangement is good, the style clear, and the work exhaustive. There is a useful appendix of precedents and statutes, and a very good index."—*Law Times*.

"This is likely to prove a useful book in practice. All the ordinary law on the subject is given shortly and in a convenient and accessible form, and the index is a good one. The book is of a portable size and moderate price, and contains a fairly complete appendix of pre-

cedents. It is likely enough that it will meet a demand both in the profession and amongst lay arbitrators."—*Solicitors' Journal*.

"It is a concise statement of the law on the questions which are likely to arise in the course of a reference or in subsequent proceedings which may be taken in regard to it. The precedents of awards are clearly and concisely drawn. The arrangement of chapters is conveniently managed. The law is clearly stated, and, so far as we can judge, all the important cases bearing directly on the subject are given, while the index appears reasonably copious. These facts, combined with the smallness of the volume, ought to make the book a success."—*Law Journal*.

## Powell's Law of Inland Carriers.—Second Edition.

8vo., 14s. cloth.

**THE LAW OF INLAND CARRIERS, especially as regulated by the Railway and Canal Traffic Act, 1854. By EDMUND POWELL, Esq., of Lincoln College, Oxon, M.A., and of the Western Circuit, Barrister at Law, Author of "Principles and Practice of the Law of Evidence." Second Edition, almost re-written.**

"Mr. Powell's writing is singularly precise and condensed, without being at all dry, as those who have read his admirable Book of Evidence will attest. It will be seen, from our outline of the contents, how exhaustively the subject has been treated, and that it is entitled to be, that which

it aspires to become, the text book on the Law of Carriers."—*Law Times*.

"The two chapters on the Railway and Canal Traffic Act, 1854, are quite new, and the recent cases under the provisions of that statute are analyzed in lucid language."—*Law Magazine*.

## Davis's Criminal Law Consolidation Acts.

12mo., 10s. cloth.

**THE NEW CRIMINAL LAW CONSOLIDATION ACTS, 1861; with an Introduction and practical Notes, illustrated by a copious reference to Cases decided by the Court of Criminal Appeal. Together with alphabetical Tables of Offences, as well those punishable upon Summary Conviction as upon Indictment, and including the Offences under the New Bankruptcy Act, so arranged as to present at one view the particular Offence, the Old or New Statute upon which it is founded, and the Limits of Punishment; and a full Index. By JAMES EDWD. DAVIS, Esq., Barrister at Law.**

## Lovesy's Law of Arbitration (Masters and Workmen).

12mo., 4s. cloth.

(Dedicated, by permission, to Lord St. Leonards.)

**THE LAW of ARBITRATION between MASTERS and WORKMEN, as founded upon the Councils of Conciliation Act of 1867 (30 & 31 Vict. c. 105), the Masters and Workmen Act (5 Geo. 4, c. 96), and other Acts, with an Introduction and Notes. By C. W. LOVESY, Esq., of the Middle Temple, Barrister at Law, now one of Her Majesty's Judges, British Guiana.**

## Dowell's Income Tax Laws.

8vo., 12s. 6d. cloth.

THE INCOME TAX LAWS at present in force in the United Kingdom, with Practical Notes, Appendices and a copious Index. By STEPHEN DOWELL, M.A., of Lincoln's Inn, Assistant Solicitor of Inland Revenue.

"Only men thoroughly conversant with the subject could have prepared it, and despite Mr. Dowell's knowledge it must have been a heavy labour. To commissioners and all concerned in the working of the Income Tax Mr. Dowell's book will be of great value."—*Law Journal*.

"We cannot doubt that the work will prove of much service to persons engaged in the administration of the Income Tax laws, and to the practitioner on the points which frequently arise in reference to those laws."—*Solicitors' Journal*.

"A collection of the Income Tax Acts made easy of reference by a copious index. The acts are connected together by cross-references, and for practical purposes the compilation must prove very useful."—*Law Times*.

"We can honestly commend Mr. Dowell's

work to our readers as being well done in every respect. They will find it a neatly written and complete history and explanation of the Stamp duties; and they will also find the Act of 1870 set out completely and clearly set before them in a good bold type, easy of reference and supported in its utility by a good index."—*Law Magazine*.

"Mr. Dowell has collected and accompanied with notes of reference and decided cases all the Statutes directly or indirectly bearing upon this subject. A full and well-constructed index completes the volume. Mr. Dowell's official position eminently fits him for the work he has undertaken, and his history of the Stamp Laws shows how carefully and conscientiously he performs what he undertakes."—*Justice of the Peace*.

## Dowell's Stamp Duties and Stamp Laws.

8vo., 12s. 6d. cloth.

A HISTORY and EXPLANATION of the STAMP DUTIES, from their commencement to the present time, the past and the present State of the Stamp Laws, the System and the Administration of the Tax, Observations on the Stamp Duties in Foreign Countries; *the Stamp Laws at present in force in the United Kingdom*; with Notes, Appendices and a copious Index. By STEPHEN DOWELL, M.A., of Lincoln's Inn, Assistant Solicitor of Inland Revenue.

"This is a work of some power. The author is evidently master of his subject. The style of the composition is singularly felicitous and makes the subject—a rather thorny one—clear and intelligible."—*Law Times*.

"There is justification for Mr. Dowell's appearance before the public, for he gives a good deal of useful information. Statesmen who contemplate future legislation, judges whose duty it is to administer the law, and officials who have

to carry out practical details will pay a well merited tribute to the industry which places before them the law as it stands with a sketch of the steps which have led up to it."—*Stokenham*.

"This book belongs to a class which we are glad to think is becoming increasingly popular. It is written by a man who is practically conversant with the subject of which he treats."—*Spectator*.

## Wigram on Extrinsic Evidence as to Wills.

Fourth Edition. 8vo., 11s. cloth.

AN EXAMINATION OF THE RULES OF LAW respecting the Admission of EXTRINSIC EVIDENCE in Aid of the INTERPRETATION OF WILLS. By the Right Hon. Sir JAMES WIGRAM, Knt. The Fourth Edition, prepared for the press with the sanction of the learned Author, by W. KNOX WIGRAM, M.A., of Lincoln's Inn, Esq., Barrister-at-Law.

"In the celebrated treatise of Sir James Wigram, the rules of law are stated, discussed and explained in a manner which has excited the

admiration of every judge who has had to consult it."—*Lord Kingsdown, in a Privy Council Judgment, July 8th, 1856*.

## Clifford and Stephens's Practice of Referees Court, 1873.

Vols. I. and II., royal 8vo., 3l. 10s. cloth.

THE PRACTICE of the COURT of REFEREES on PRIVATE BILLS in PARLIAMENT, with Reports of Cases as to the locus standi of Petitioners during the Sessions 1867-68-69-70-71 and 72. By FREDERICK CLIFFORD and PEMBROKE S. STEPHENS, Barristers-at-Law.

Just published, royal 8vo., Vol. I. Part I., price 31s. 6d.

In continuation of the above.

CASES DECIDED DURING THE SESSIONS 1873, 1874, and 1875 by the COURT of REFEREES on PRIVATE BILLS in PARLIAMENT. By FREDERICK CLIFFORD and A. G. RICKARDS, Esqs., Barristers at Law.

"The parliamentary counsel of our day need no longer be obscure or forgotten *coram quo vale sacro*. Their arguments are preserved in the work before us in a highly condensed form—a sort of Liebig's extract of parliamentary reasoning, carefully prepared. The Reports are well indexed, and bring down the decided cases to the end of 1875. As to the mode in which Messrs. Clifford and Rickards

have executed the work, it will be sufficient to say that these Reports are a continuance of the series of 'Clifford and Stephens's Reports,' which began in 1867, and seem to be marked by the same care and accuracy which have made these Reports a standard for reference and quotation by practitioners and the Court itself."—*Times*, March 10, 1876.

## Cutler and Griffin's Indian Criminal Law.

8vo., 6s. cloth.

AN ANALYSIS of the INDIAN PENAL CODE (including the Indian Penal Code Amendment Act, 1870), with Notes. By JOHN CUTLER, B.A., of Lincoln's Inn, Barrister at Law, Professor of English Law and Jurisprudence, and Professor of Indian Jurisprudence at King's College, London, and EDMUND FULLER GRIFFIN, B.A., of Lincoln's Inn, Barrister at Law.

"It may be added that the code is just at present out of print, so that the production of an analysis at the present moment is especially opportune. Messrs. Cutler and Griffin have produced a useful little book, and produced it at a time when it will be especially useful."—*Solicitors' Journal*.

"This analysis of the Indian Penal Code seems to have conferred a great boon on the Indian practitioner, and will doubtless be of

use to professional men in England. It has a good index."—*Law Magazine*.

"This is a work intended for students and for practitioners in India. Knowing how well the same authors edited the Indian portion of Powell on Evidence, we should be content to take it on the faith of their reputation only. The mode of analysis is very clear and brings well forward the prominent features of the code."—*Law Times*.

## Field's Regulations of the Bengal Code.

1 vol., royal 8vo., 42s. cloth.

THE REGULATIONS OF THE BENGAL CODE, Edited, with Chronological Tables of Repeal and Amendment, and an Introduction. By C. D. FIELD, of the Inner Temple, Barrister at Law, and of H.M.'s Bengal Civil Service.

## Field's Table of, and Index to, Indian Statute Law.

Demy 4to., 42s. cloth.

A CHRONOLOGICAL TABLE of and INDEX to the INDIAN STATUTE-BOOK from the Year 1834, with a General Introduction to the Statute Law of India; with a SUPPLEMENT bringing the work down to August, 1872. By C. D. FIELD, M.A., LL.D., of the Inner Temple, Barrister at Law, and of H.M.'s Bengal Civil Service.

## Field's Law of Evidence in British India.

8vo., 28s. cloth.

THE LAW OF EVIDENCE AS ADMINISTERED IN BRITISH INDIA. By C. D. FIELD, LL.D., of the Inner Temple, Barrister at Law, and of H. M.'s Bengal Civil Service. Second Edition, containing the New Code of Evidence passed by the Legislative Council of India.



# THE LAW EXAMINATION JOURNAL.

Edited by HERBERT NEWMAN MOZLEY, M.A.,  
Fellow of King's College, Cambridge; and of Lincoln's Inn, Esq., Barrister-at-Law.

*Published in Hilary, Easter, Trinity and Michaelmas Sittings in each year. Price 1s., by post 1s. 1d. annual subscription, payable in advance, 4s., by post, 4s. 4d. All the back Numbers may be had.*

- No. 20. Hilary, 1876.—I. The New Rules relating to Examinations. II. The Statutes of 1875 (Second Notice). III. Digest of Cases. IV. Intermediate Examination, Michaelmas Sittings, 1875: Questions and Answers. V. Final Examination, Hilary Sittings, 1876: Questions and Answers. VI. Reviews. VII. Correspondence and Notices.
- No. 21. Michaelmas, 1875.—I. Statute of Fraudulent Conveyances, 13 Eliz. c. 5. II. Statutes of 1875 (First Notice). III. Digest of Cases. IV. Intermediate Examination, Trinity Term, 1875: Questions and Answers. V. Final Examination, Michaelmas Term, 1875: Questions and Answers. VI. Reviews of Books. VII. Correspondence and Notices.
- No. 22. Trinity, 1875.—I. The Statute of Uses, continued. II. Digest of Cases. III. Intermediate Examination, Easter Term, 1875: Questions and Answers. IV. Final Examination, Trinity Term, 1875: Questions and Answers. V. A New Law Dictionary. VI. Correspondence and Notices.
- No. 23. Easter, 1875.—I. The Statute of Uses. II. The Statutes of 1874 (Third Notice). III. Digest of Cases. IV. Intermediate Examination, Hilary Term, 1875: Questions and Answers. V. Final Examination, Easter Term, 1875: Questions and Answers. VI. Correspondence and Notices.
- No. 24. Hilary, 1875.—I. The Statute of Frauds in relation to Contracts of Sale: *Sale v. Lambert and Potter v. Duffield*. II. The Statutes of 1874 (Second Notice). III. Digest of Cases. IV. Intermediate Examination, Michaelmas Term, 1874: Questions and Answers. V. Final Examination, Hilary Term, 1875: Questions and Answers. VI. Notice of Intermediate Examinations for 1875. VII. Correspondence and Notices.
- No. 25. Michaelmas, 1874.—I. The Statutes of 1874 (First Notice). II. Digest of Cases. III. Intermediate Examination Questions and Answers (T. T. 1874). IV. Final Examination Questions and Answers (M. T. 1874). V. Reviews of Books. VI. Correspondence and Notices.
- No. 26. Trinity, 1874.—I. Legislative Prospects of the Session. II. Digest of Cases. III. Intermediate Examination, Easter Term, 1874: Questions and Answers. IV. Final Examination, Trinity Term, 1874: Questions and Answers. V. Reviews. VI. Correspondence and Notices.
- No. 27. Easter, 1874.—I. Leading Cases (continued). II. Digest of Cases. III. Intermediate Examination, H. T. 1874: Questions and Answers. IV. Final Examination, E. T. 1874: Questions and Answers. V. Review. 7th Edit. of Stephen's Blackstone's Commentaries. VI. Correspondence.
- No. 28. Hilary, 1874.—I. Statutes of 1873 (Second Notice, including the Supreme Court of Judicature Act and subsequent Statutes). II. Digest of Cases. III. Intermediate Examination, Michaelmas Term, 1873: Questions and Answers. IV. Final Examination, Hilary Term, 1874: Questions and Answers. V. Correspondence and Notices.
- No. 29. Michaelmas, 1873.—I. Leading Cases (Note by the Editor). II. Statutes of 1873 (First Notice). III. Digest of Cases. IV. Intermediate Examination, T. T. 1873: Questions and Answers. V. Final Examination, M. T. 1873: Questions and Answers. VI. Notice of Intermediate Examination for 1874. VII. Reviews of Books. VIII. Law Student's Societies. IX. Correspondence.
- No. 30. Trinity, 1873.—I. The Study of the Law, concluded. II. Leading Cases—Spencer's Case, continued. III. Digest of Cases. IV. Intermediate Examination, Easter, 1873: Questions and Answers. V. Final Examination, Trinity, 1873: Questions and Answers. VI. A Review—Kelly's Draftsman. VII. Correspondence and Notices.
- No. 31. Easter, 1873.—I. The Study of the Law, continued. II. Analysis of Leading Cases. III. Digest of Cases. IV. Intermediate Examination, II. T. 1873: Questions and Answers. V. Final Examination, E. T. 1873: Questions and Answers. VI. Correspondence and Notices.
- No. 32. Hilary, 1873.—I. The Study of the Law, continued. II. Digest of Cases. III. Intermediate Examination, M. T. 1873: Questions and Answers. IV. Final Examination, H. T. 1873: Questions and Answers. V. Reviews. VI. Answers to Correspondents and Notices.
- No. 33. Michaelmas, 1872.—I. Public Prosecutors, concluded. II. The Statutes of 1872. III. Digest of Cases. IV. Intermediate Examination, Trinity Term, 1872: Questions and Answers. V. Final Examination, Michaelmas Term, 1872: Questions and Answers. VI. Reviews. VII. Answers to Correspondents and Notices.
- No. 34. Trinity, 1872.—I. Public Prosecutors, continued. II. Study of the Law, continued. III. Digest of Cases. IV. Intermediate Examination, Easter Term, 1872: Questions and Answers. V. Final Examination, Trinity Term, 1872: Questions and Answers. VI. Law Students' Congress, Birmingham: Law Examinations. VII. Review. VIII. Answers to Correspondents.
- No. 35. Easter, 1872.—I. The Study of the Law. II. Legislative Prospects of the Session. Married Women's Property Act Amendment Bill. Imperial Court of Appeal. III. Digest of Cases. IV. Intermediate Examination Questions and Answers. Hilary Term, 1872. V. Final Examination Questions and Answers. Easter Term, 1872. VI. Answers to Correspondents.
- No. 36. Hilary, 1872.—I. Notice of the late Editor. II. The Study of the Law. III. Digest of Cases. IV. Intermediate Examination Questions and Answers. V. Final Examination Questions and Answers. VI. Answers to Correspondents.
- No. 37. Michaelmas, 1871.—I. On Examinations. II. The Subject of Public Prosecutors (continued). III. Digest of Cases. IV. Intermediate Examination Questions on Chitty, Williams and Smith, Trinity, 1871, with Answers. V. Final Examination Questions and Answers, Michaelmas Term, 1871. VI. Reviews of Books. VII. Answers to Correspondents.

*Copies of Vol. I. of the LAW EXAMINATION JOURNAL, containing Nos. 1 to 14, with full Indexes and Tables of Cases cited, may now be had, price 16s., bound in cloth.*

# BAR EXAMINATION JOURNAL.

Edited by A. D. TYSSSEN, B.C.L., M.A., SIR R. K. WILSON, BART., M.A., and  
W. D. EDWARDS, LL.B., Barristers at Law.

Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, from TRINITY TERM, 1871,  
to HILARY TERM, 1876.

*Published in Numbers, 8vo., at 3s. each, by post 3s. 1d., after each Bar Examination.*

Subjects of Bar Examination. Examination Papers, with the Answers.

ENGLISH LAW:—Constitutional Law and Legal History; Equity; Common Law; Real Property; Jurisprudence, &c.; General Paper.

INDIAN LAW:—Hindu Law; Mahomedan Law; Penal Code; Criminal Procedure Code; Civil Procedure Code; Succession Act; General Paper.

Copies of Vol. I. of the Bar Examination Journal, containing Nos. 1 to 6 (1871 to 1873), with Index, &c. may be had, price 18s. cloth.

Copies of Vol. II. of the same, containing Nos. 7 to 11 (1873 to 1875), may be had, price 16s. cloth.

**Pearce's Guide to the Inns of Court and Chancery; with Notices of their Ancient Discipline, Customs and Entertainments; an Account of the Eminent Men of Lincoln's Inn, the Inner Temple, the Middle Temple, and Gray's Inn, &c.; together with the Regulations as to the Admission of Students, Keeping Terms, Call to the Bar, &c.** By ROBERT R. PEARCE, Esq., Barrister at Law. 8vo. 8s. cloth.

## The Preliminary Examination Journal AND STUDENT'S LITERARY MAGAZINE.

EDITED BY JAMES ERLE BENHAM,

Formerly of King's College, London; Author of "The Student's Examination Guide," &c.

*Now complete in Eighteen Numbers, containing all the Questions and Answers from 1871 to 1875, and to be had in One Vol. 8vo., price 18s. cloth.*

Nos. I. to XVIII. of the Preliminary Examination Journal may also still be had at 1s. each, by post 1s. 1d.

They contain the following Articles by the Editor, on—

"The Imperfections of the Orthography of the English Language." "Lectures on the Origin of the English Language." "What Endowments are essential to those aspiring to become Barristers and Solicitors?" "The Study of the English, French and Latin Languages." "How to become an Orator; with Selections from the Speeches of Lord Brougham, Pitt, Curran, Daniel O'Connell, the late Earl of Derby, Mr. Gladstone, Mr. Disraeli, and others." "How many Hours a Day do you recommend me to study?" "The Improvement of the Memory." "What leads to Success in Life?" "Brains; Quantity or Quality." "The Power of Imagination." "The Amalgamation of the Two Branches of the Profession." "The Advantage of Education." "Common Sense." "The New Jury Bill." "Ladies as Lawyers!" "Psychological Enquiries." "Eminent Lawyers." "Rhetoric." "Quotations by Authors and Advocates." "Men of Genius deficient in Conversation." "The Choice of a Profession, and its Influence on the Mind." "The Incorporation of the Inns of Court and the proposed Law University." "Orthography of Proper Names." "Absence of Mind." "A Prediction for One Author." "Accommodation for Law Students in Courts of Justice." "The School Board." "Inequalities of Genius." "Mysterious Personages." "The Lord Chief Justice of England on the Choice of a Profession." "The Solicitor General on Perseverance." "(a) Modern Classics; (b) the Value of Genuine Talent; (c) the Quality of Wit." "Synopsis of leading Authors, Statesmen, Poets, and Philosophers, and Ancient Classical Writers." "Memoirs of Charles Dickens, the late Lord Lytton, and John Stuart Mill."

Besides other Articles, Reviews, &c. &c.

**Drainage of Land: How to procure Outfalls by New Drains, or the Improvement of Existing Drains, in the Lands of an adjoining Owner, under the Powers contained in Part III. of the Act 24 & 25 Vict. c. 138; with an Explanation of the Provisions, and Suggestions for the Guidance of Land Owners, Occupiers, Land Agents and Surveyors.** By J. WILLIAM WILSON, Solicitor. 8vo. 1s. sewed.

**Supreme Appellate Jurisdiction. A Speech delivered in the House of Lords on the 11th June, 1874.** By the Right Hon. Lord O'HAGAN. 8vo. 1s. sewed.

**The Law and Facts of the Alabama Case, with Reference to the Geneva Arbitration.** By JAMES O'DOWD, Esq., Barrister at Law. 8vo. 2s. sewed.

**Foreshores.** Report of case *The Queen at the prosecution of Williams v. Nicholson*, for removing Shingle from the Foreshore at Withernsea. Heard at the Police Court, Hull, 31st May, 1870. 8vo. 1s. sewed.

**A Letter to the Right Hon. the Lord High Chancellor concerning Digests and Codes.** By WILLIAM RICHARD FISHER, of Lincoln's Inn, Esq., Barrister at Law. Royal 8vo. 1s. sewed.

**Indian Civil Service Examinations. On reporting Cases for the Periodical Examinations by Selected Candidates for the Civil Service of India: Being a Lecture delivered on Wednesday, June 12, 1867, at King's College, London.** By JOHN CUTLER, B.A., of Lincoln's Inn, Barrister at Law, Professor of English Law and Jurisprudence and Professor of Indian Jurisprudence at King's College, London. 8vo., 1s. sewed.

**Hamel's International Law, in connexion with Municipal Statutes relating to the Commerce, Rights and Liabilities of the Subjects of Neutral States pending Foreign War; considered with reference to the Case of the *Alexandra*, seized under the provisions of the Foreign Enlistment Act.** By FELIX HARGRAVE HAMEL, Barrister at Law. Post 8vo. 3s. boards.

**Francillon's Lectures, Elementary and Familiar, on English Law. FIRST and SECOND SERIES.** By JAMES FRANCILLON, Esq., County Court Judge. 2 vols. 8vo. 8s. each cloth.

**The Laws of Barbados. (By Authority.)** Royal 8vo. 21s. cloth.

**Le Marchant's Report of Proceedings of the House of Lords on the Claims to the Barony of Gardner, with an Appendix of Cases illustrative of the Law of Legitimacy.** By Sir DENIS LE MARCHANT, of Lincoln's Inn, Barrister at Law. 8vo. 18s. boards.

**Norman's Treatise on the Law and Practice relating to Letters Patent for Inventions.** By J. P. NORMAN, M.A., Barrister at Law. Post 8vo., 7s. 6d. cloth.

**Gray's Treatise on the Law of Costs in Actions and other Proceedings in the Courts of Common Law at Westminster.** By JOHN GRAY, Esq., of the Middle Temple, Barrister at Law. 8vo., 21s. cloth.

**Elements of the Logical and Experimental Sciences considered in their relation to the Practice of the Law.** 8vo. 14s. boards.

**Remarks on Law Reform.** By G. W. M. Dale, of Lincoln's Inn, Esq. 8vo. 1s. 6d. sewed.

**The Inns of Court and Legal Education pending Legislation Reviewed, with Suggestions for the proper Foundation of a Law University. A Paper read at the Provincial Meeting of the Incorporated Law Society of the United Kingdom, held at Liverpool, 14th October, 1875.** By C. T. SAUNDERS, a Member of the Council. 8vo. 1s. sewed.

**Law Students. Full Report of the Proceedings of the First General Congress of Law Students' Societies, held at Birmingham 21st and 22nd May, 1872.** 8vo. 2s. sewed.

**Legal Education.** By W. A. JEVONS. A Paper read at the Social Science Congress at Leeds. 1871. 8vo. 6d. sewed.

**A Memoir of Lord Lyndhurst.** By William Sidney Gibson, Esq., M.A., F.S.A., Barrister at Law, of Lincoln's Inn. Second edition, enlarged. 8vo. 2s. 6d. cloth.

**A Memoir of Mr. Justice Talfourd.** By a Member of the Oxford Circuit. Reprinted from the Law Magazine. 8vo. 1s. sewed.

**Speech of Sir R. Palmer, Q.C., M.P., at the Annual Meeting of the Legal Education Association in the Middle Temple Hall, 1871; with a Report of the Proceedings.** 8vo. 1s. sewed.

**The Ancient Land Settlement of England.** A Lecture delivered at University College, London, October 17th, 1871. By J. W. WILLIS BUND, M.A., Professor of Constitutional Law and History. 8vo. 1s. sewed.

**Baker's Compendium of the Statutes, Cases and Decisions affecting the Office of Coroner.** By WILLIAM BAKER, Coroner of Middlesex. 12mo. 7s. cloth.

**Greening's Forms of Declarations, Pleadings and other Proceedings in the Superior Courts of Common Law, with the Common Law Procedure Act, and other Statutes; Table of Officers' Fees; and the New Rules of Practice and Pleading, with Notes.** By HENRY GREENING, Esq., Special Pleader. Second Edition. 12mo. 10s. 6d. boards.

**The Laws, Customs and Privileges, and their Administration in the Island of Jersey, with Notices of Guernsey.** By ABRAHAM J. LE CRAS. 12mo. 6s. cloth.

**Bowditch's Treatise on the History, Revenue Laws, and Government of the Isles of Jersey and Guernsey, to which is added the recent Acts as to Smuggling, Customs and Trade of the Isle of Man and the Channel Islands, Forms, Costs, &c.** By J. BOWDITCH, Solicitor. 8vo. 3s. 6d. sewed.

**Pulling's Practical Compendium of the Law and Usage of Mercantile Accounts:** describing the various Rules of Law affecting them, at Common Law, in Equity, Bankruptcy and Insolvency, or by Arbitration. Containing the Law of Joint Stock Companies' Accounts, and the Legal Regulations for their Adjustment under the Winding-up Acts of 1848 and 1849. By ALEXANDER PULLING, Esq. of the Inner Temple, Barrister at Law. 12mo. 9s. boards.

**Leigh's Abridgment of the Law of Nisi Prius.** By P. Brady LEIGH, of the Inner Temple, Barrister at Law. 2 vols. 8vo. £2: 8s. boards.

**Gurney's System of Short Hand.** By Thomas Gurney. First published in 1740, and subsequently improved. 17th Edition. 12mo. 3s. 6d. cloth.

"Gurney's is, we believe, admitted to be the best of the many systems, and a seventeenth edition appears to attest that fact."—*Law Times*.

**Linklater's Digest of, and Index to, the New Bankruptcy Act, 1869, and the accompanying Acts.** By JOHN LINKLATER, Solicitor. Second Edition. Imperial 8vo., 3s. 6d. sewed.

**Moseley's Law of Contraband of War;** comprising all the American and English Authorities on the Subject. By JOSEPH MOSELEY, Esq., B.C.L., Barrister at Law. Post 8vo. 5s. cloth.

**Dr. Deane's Law of Blockade, as contained in the Judgments of Dr. Lushington and the Cases on Blockade decided during 1854.** By J. P. DEANE, D.C.L., Advocate in Doctors' Commons. 8vo. 10s. cloth.

**Chart of Inheritance according to the Bengal School of Hindu Law.** By C. D. FIELD, LL.D., Barrister at Law, Author of "The Law of Evidence in British India." On stiff card, 6s.

**The Acts for the Commutation of Tithes in England and Wales,** with Notes, Observations, and an Epitome of the Law of Tithes. Second Edition. By J. T. SCHOMBERG, Esq., Q.C. 12mo. 7s. cloth.

**A Practical Treatise on Life Assurance; in which the Statutes, &c., affecting unincorporated Joint Stock Companies are briefly considered and explained.** SECOND EDITION. By FREDERICK BLAYNEY, Esq., Author of "A Treatise on Life Annuities." 12mo. 7s. boards.

**Sewell's Treatise on the Law of Sheriff, with Practical Forms and Precedents.** By RICHARD CLARKE SEWELL, Esq., D.C.L., Barrister at Law. 8vo. 21s. boards.

**The Law relating to Transactions on the Stock Exchange.** By HENRY KEYSER, Esq., Barrister at Law. 12mo., 8s. cloth.

**Sewell's Municipal Corporation Acts, 5 & 6 Will. 4, c. 76, and 6 & 7 Will. 4, cc. 103, 104, 105, with Notes, and Index.** By R. C. SEWELL, Esq., Barrister at Law. 12mo. 9s. boards.

**A Legigraphical Chart of Landed Property in England from the time of the Saxons to the present Era.** By CHARLES FEARNE, Esq., Barrister at Law. On a large sheet, 6s. coloured.

**Dwyer's Compendium of the Principal Laws and Regulations relating to the Militia of Great Britain and Ireland** 12mo. 5s. 6d. cloth.

**The Common Law of Kent; or the Customs of Gavelkind.** With an Appendix concerning Borough English. By T. ROBINSON, Esq. THIRD EDITION, with Notes and References to modern Authorities, by JOHN WILSON, Esq. Barrister at Law. 8vo. 18s. boards.

**The Marriage and Registration Acts, 6 & 7 Will. 4, caps. 85, 86; with Instructions, Forms, and Practical Directions. The Acts of 1837, viz. 7 Will. 4, c. 1, and 1 Vict. c. 22, with Notes and Index.** By J. S. BURN, Esq., *Secretary to the Commission.* 12mo. 6s. 6d. boards.

**A Treatise on the Law of Gaming, Horse-Racing, and Wagers.** By FREDERIC EDWARDS, Esq., Barrister at Law. 12mo. 5s. cloth.

**A Digest of Principles of English Law; arranged in the order of the Code Napoleon, with an Historical Introduction.** By GEORGE BLAXLAND, Esq. Royal 8vo. £1: 4s. boards.

**A Treatise on the Law of Commerce and Manufactures, and the Contracts relating thereto; with an Appendix of Treaties, Statutes, and Precedents.** By JOSEPH CHITTY, Esq. Barrister at Law. 4 vols. royal 8vo. £6: 6s. boards.

**Anstey's Pleader's Guide; a Didactic Poem, in Two Parts,** The Eighth Edition. 12mo. 7s. boards.

**Hardy's Catalogue of Lords Chancellors, Keepers of the Great Seal, and Principal Officers of the High Court of Chancery.** By THOMAS DUFFUS HARDY, Principal Keeper of Records. Royal 8vo. 20s. cloth. (Only 250 copies printed.)

**Pothier's Treatise on the Contract of Partnership; with the Civil Code and Code of Commerce relating to this Subject, in the same Order.** Translated from the French. By O. D. TUDOR, Esq., Barrister. 8vo., 5s. cloth.

**Browne's Practical Treatise on Actions at Law, embracing the subjects of Notice of Action; Limitation of Actions; necessary Parties to and proper Forms of Actions, the Consequence of Mistake therein; and the Law of Costs with reference to Damages.** By R. J. BROWNE, Esq., of Lincoln's Inn, Special Pleader. 8vo., 10s. boards.

## Ecclesiastical Law.

**The Case of the Rev. G. C. Gorham against the Bishop of Exeter**, as heard and determined by the Judicial Committee of the Privy Council on appeal from the Arches Court of Canterbury. By EDWARD F. MOORE, Esq., M.A., Barrister at Law; Author of Moore's Privy Council Reports. Royal 8vo. 8s. cloth.

**Archdeacon Hale's Essay on the Union between Church and State, and the Establishment by Law of the Protestant Reformed Religion in England, Ireland, and Scotland.** By W. H. HALE, M.A., Archdeacon of London. 8vo. 1s. sewed.

**The Judgment of the Privy Council on Appeal in the Case of Hebbert v. Purchas.** Edited by EDWARD BULLOCK, of the Inner Temple, Barrister at Law, Reporter in Privy Council for the Law Journal Reports. Royal 8vo., 2s. 6d. sewed.

**Burder v. Heath.** Judgment delivered on November 2, 1861, by the Right Honorable STEPHEN LUSHINGTON, D.C.L., Dean of the Arches. Folio, 1s. sewed.

**The Case of Long v. Bishop of Cape Town**, embracing the opinions of the Judges of Colonial Court hitherto unpublished, together with the decision of the Privy Council, and Preliminary Observations by the Editor. Royal 8vo., 6s. sewed.

**The Judgment of the Dean of the Arches, also the Judgment of the PRIVY COUNCIL**, in Liddell (clerk), and Horne and others against Westerton, and Liddell (clerk) and Park and Evans against Beal. Edited by A. F. BAYFORD, LL.D.: and with an elaborate analytical Index to the whole of the Judgments in these Cases. Royal 8vo., 3s. 6d. sewed.

**The Law of the Building of Churches, Parsonages and Schools, and of the Division of Parishes and Places—continued to 1874.** By CHARLES FRANCIS TROWER, M.A., Barrister at Law. Post 8vo. 8s. cloth.

**The History and Law of Church Seats or Pews.** By ALFRED HEALES, F.S.A., Proctor in Doctors' Commons. 2 vols. 8vo. 16s. cloth.

**Field's Law relating to Protestant Curates and the Residence of Incumbents or their Benefices in England and Ireland.** By C. D. FIELD, M.A., LL.D., Author of "The Law of Evidence in India," &c. Post 8vo. 6s. cl.

**Hamel's Law of Ritualism in the United Church of England and Ireland.** With Practical Suggestions for Amendment of the Law, and a Form of Bill for that purpose. By F. HARGAVE HAMEL, Esq., of the Inner Temple, Barrister at Law. Post 8vo. 1s. sewed.

**The Judgment delivered by the Right Hon. Sir Robert Phillimore, D.C.L., Official Principal of the Court of Arches, in the Cases of Martin v. Mackonochie and Flamank v. Simpson.** Edited by WALTER G. F. PHILLIMORE, B.A., of the Middle Temple, Fellow of All Souls College, and Vinerian Scholar, Oxford. Royal 8vo. 2s. 6d. sewed.

**Judgment delivered by the Right Hon. Lord Cairns on behalf of the Judicial Committee of the Privy Council in the case of Martin v. Mackonochie.** Edited by W. ERNST BROWNING, Barrister at Law. Royal 8vo. 1s. 6d. sewed.

**The Privilege of Religious Confessions in English Courts of Justice considered in a Letter to a Friend.** By EDWARD BADELEY, Esq., M.A., Barrister at Law. 8vo. 2s. sewed.

**The Practice of the Ecclesiastical Courts, with Forms and Tables of Costs.** By H. C. COOTE, F.S.A., Proctor in Doctors' Commons, &c. 8vo. 28s. boards.

**A Practical Treatise on the Law of Advowsons** By J. MIREHOUSE, Esq., Barrister at Law. 8vo. 14s. boards.

**The Lord's Table: its true Rubrical Position.** The Purchas Judgment, not reliable. The Power of the Laity and Churchwardens to prevent Romanizing. Suggestions to the Laity and Parishes for the due ordering of the Table at Communion Time. The Rubrical Position of the Celebrant. By H. F. NAPPER, Solicitor. 8vo. 1s. sewed.

## **New Works and New Editions in Preparation.**

**Dr. Tristram's Contentious Practice of the High Court of Justice** in granting Probates and Administrations. Seventh Edition. In 8vo.

**The Third Edition of Robson's Treatise on the Law and Practice** in Bankruptcy. In 1 vol. 8vo.

**The Third Edition of the Law of Mortgage, and other Securities** upon Property. By **WILLIAM RICHARD FISHER**, of Lincoln's Inn, Esq., Barrister at Law. In 2 vols. royal 8vo.

**A Collection of Mortgage Precedents and Forms of Decrees.** By **W. R. FISHER**, Esq., of Lincoln's Inn, Barrister at Law. In 1 vol. royal 8vo.

**Oke's Game Laws.** Third edition. By **J. W. WILLIS BUND**, Esq., Barrister at Law. In post 8vo.

**Oke's Fishery Laws.** Second edition. By **J. W. WILLIS BUND**, Esq., Barrister at Law. In post 8vo.

**Glen's Law of Highways.** Third edition. In 8vo.

**Glen's Public Health and Local Government.** Eighth edition. In 8vo.

**Clifford and Rickards' Practice of the Court of Referees on** Private Bills in Parliament. Vol. III., Part II. In royal 8vo.

**Imprinted at London,**

*number Seuen in Flete strete within Temple barre,  
whylom the signe of the Hande and starre,  
and the Hovse where liued Richard Tottel,  
printer by Special patentes of the booke of the Common lawe  
in the seuerall Reigns of  
Kng Edw. VI. and of the quenes Marye and Elizabeth.*







1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".



**Table 1** Summary of the results of the regression analysis

---



